



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

PLANNING COMMISSION

*Promoting the wise use of land
Helping build great communities*

MEETING DATE September 22, 2005	CONTACT/PHONE James Lopes 781-5975	APPLICANT Mid-State Properties, LLC (Gray Trust)	FILE NO. TRACT 2441 S010354U
SUBJECT Request by Mid-State Properties, LLC (Gray Trust) to allow 1) a planned development; 2) a subdivision of an approximate 3.8-acre parcel into 39 lots ranging from 2,600 to 5,280 square feet each, and 3) grading and construction of 38 single-family residences, a pocket park, an underground stormwater detention basin, and three on-site roads, which will result in the disturbance of the entire parcel. The proposed project includes the creation of three connected streets and off-site road improvements to Grande Avenue and Blume Street. The project site is located within the Residential Multi-Family land use category and is located at the northeast corner of Grande Avenue and Blume Street, within the community of Nipomo. The site is in the South County (Inland) Planning Area.			
RECOMMENDED ACTION 1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Vesting Tentative Tract Map 2441 and the Conditional Use Permit based on the findings listed in Exhibits A and C and the conditions listed in Exhibits B and D			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Revised Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on July 22, 2005 for this project. Mitigation measures are proposed to address agricultural resources, air quality, geology and soils, noise, public services/utilities, recreation, transportation, and water, and are included as conditions of approval.			
LAND USE CATEGORY Residential Multi-Family	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 092-130-049	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: Circulation planning, right-of-way requirements, density limitations, permit requirement, site planning criteria, road dedication requirement			
LAND USE ORDINANCE STANDARDS: Sec. 22.22.080.D – Residential Multi-Family condominiums and planned development			
EXISTING USES: Vacant			
SURROUNDING LAND USE CATEGORIES AND USES: North: Residential Multi-Family / vacant South: Agriculture / greenhouse nursery East: Residential Multi-Family / vacant West: Residential Multi-Family / residences			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small>			

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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Agriculture Department, County Parks, CDF, APCD, Assessor, Nipomo CSD, Nipomo CAC	
TOPOGRAPHY: Gently sloping	VEGETATION: Grasses, forbs, trees
PROPOSED SERVICES: Water supply: Nipomo CSD Sewage Disposal: Nipomo CSD Fire Protection: CDF	ACCEPTANCE DATE: December 4, 2004

PROJECT DESCRIPTION

This project involves a Vesting Tentative Tract Map (Tract 2441) that proposes a planned development subdivision of the site into 38 residential lots ranging from 2,600 to 5,280 square feet each, one open space parcel (Park), and a Conditional Use Permit that provides for building sites, setbacks, architectural designs for residential units and other features not shown on the tentative map. A Conditional Use Permit for a planned development is required for detached single family homes on small lots below 6,000 square feet in size. The South County Area Plan includes a standard that sets the minimum and maximum density for the site at 10 units per acre. It also requires projects in 10-unit-per-acre areas to "achieve the appearance of a compact single-family neighborhood." The density and layout of the project present an attractive small-lot neighborhood appearance, both internally and externally. The proposed design indicates an efficient design response to the required density while providing an extraordinary variety in unit designs to avoid uniformity. Preliminary colors showed warm tan, brown and green hues; the applicant will present a color board at the Planning Commission hearing. The applicant's proposal in Attachment A includes a summary of the project and data about unit sizes and layouts.

Background

This application was originally submitted on May 20, 2002 as a similar small-lot single-family residential subdivision. It was referred to agencies and the Nipomo Community Advisory Council for responses. Information was requested on July 30, 2002 to find the application complete, and subsequently the application was re-designed and then re-submitted on November 16, 2004.

The project now includes an internal park, which would be visible from Blume Street. The analysis below indicates that the project qualifies for parcel sizes smaller than 6,000 square feet by the Land Use Ordinance as a "planned development" subject to approval by the Planning Commission. Other significant changes are the looped internal circulation instead of two connecting streets to Grande Avenue, and smaller building footprints with two stories, which creates space for longer conforming driveways (to allow off-street parking in the driveway area), private outdoor areas, an internal park; and improved architectural designs.

ORDINANCE COMPLIANCE:

Land Use Ordinance - Minimum Parcel Size

Section 22.22.080 of the Land Use Ordinance establishes standards for determining minimum parcel sizes in the Residential Multi-Family land use category. For proposed lots of 6,000 or greater, the standards are based on the topography of the site and the type of water supply and sewage disposal. For proposed lots that are less than 6,000 square feet, Section 22.22080.D allows smaller parcel sizes at the discretion of the Planning Commission, if findings can be made that the common ownership parcel and the density are in compliance with the Land Use Ordinance.

The project proposal includes 38 residential lots ranging from 2,600 to 5,280 square feet each. A common ownership parcel is proposed that includes 2,915 square feet as a neighborhood park. The park and other common areas, such as parkways, are recommended in a tract condition to be subject to covenants, conditions and restrictions (CC&Rs) that would identify them and include a homeowners association responsible for liability, management and maintenance. The proposed parcels meet all requirements for lots smaller than 6,000 square feet because: (1) they will be served by community water and sewer service, (2) the common ownership parcel is within the size for a legal lot allowed by this section, and (3) the density of residential lots is within the "medium" density criteria required by area plan standard, because the site has access to a proposed paved local street, will have community water and sewer service and is located less than a mile from the Central Business District. The proposed lot sizes are consistent with the community area plan standard for a minimum and maximum of 10 units per acre, because it will establish a neighborhood of detached, single-family houses as required by the area plan.

Development Standards

Chapters 22.10, 22.16, and 22.18 of the Land Use Ordinance establish Development Standards. The proposed Tract Map and Conditional Use Permit meets all requirements as follows:

Standard	Allowable/Required	Proposed	Complies w/Standard?
Setbacks	May be set by map with minimum of 10 feet between all structures	Minimum of 10 feet between all structures Front, Side, Rear - Variable, minimum 3 feet	Yes
Height	35 feet	30 feet	Yes
Landscaping	Landscape plan for entire site	Landscape plan for entire site	Yes, as conditioned
Fencing	Fencing plan	Fencing plan	Yes, as conditioned
Parking	Resident - 76 spaces Guest - 0 spaces	Resident - 76 covered spaces Guest - 17 street spaces	Yes

Land Use Ordinance – Residential Density

Section 22.10.130 establishes the maximum number of allowed single- and multi-family units per acre. In this case, density is set by planning area standard. As noted below, planning area standards set the maximum density at 10 units per acre, to be consistent with the medium density criteria of the Land Use Ordinance except that the minimum open area shall include required setbacks and all areas of the site except buildings, parking aisles or driveways and parking spaces. Planning area standards also require a landscaped parkway along all frontages on the property. In addition, there are requirements for both private outdoor space and active recreation area. The project complies with the standards as follows:

Standard	Allowable/Required	Proposed	Complies w/Standard?
Density	3.8 acres @ 10 units per acre (38 units)	38 units	Yes
Maximum Floor Area	78,408 square feet (48%)	66,325 square feet (41%)	Yes, using gross site area
Minimum Open Area	61,308 square feet (45%)	89,294 square feet (65%)	Yes
Private outdoor space	Individual private area for each unit	Individual private area for each unit	Yes
Active recreation area	2,375 square feet with play equipment and tables w/benches	2,915 square feet with play equipment and tables w/benches	Yes, as conditioned
Landscaped Parkway	Minimum 8 foot landscaped parkway between curb and sidewalk	Minimum 8 foot landscaped parkway between curb and sidewalk	Yes, as conditioned

Quimby Fees

Title 21, the Real Property Division Ordinance, establishes an in-lieu fee for all new land divisions for the purpose of developing new, or rehabilitating existing, park or recreational facilities to serve the land division. Payment of the parkland fee for all undeveloped parcels is required prior to map recordation. The applicant proposes a 2,915 square foot park, which the Parks Division of the County General Services Department has indicated contributes to half of the required fee.

Affordable Housing Fees

Sections 18.07 et. seq of Title 18 of the County Code establishes a fee of 3.5% of the public facility fee for all new land divisions. This allows recognized affordable housing projects to be exempted from public facility fees. The project does not propose affordable units although an area plan standard encourages and allows the addition of affordable units to the 10-units per acre density. A condition of approval is proposed for the applicant to pay the fee.

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Subdivision Design Standards

The proposed parcels are consistent with the design criteria set forth in Chapter 3 of Title 21 of the Real Property Division Ordinance (RPDO). Lot sizes are smaller than 6,000 square feet, which is allowed under the planned development approach by the Land Use Ordinance. Lot configuration and building orientation are consistent with the RPDO, as are the size of parcels, which encourages the “efficient utilization of land.” The design of the access drives would minimize site disruption in relation to the slope. The general layout is adequate to achieve a 10-unit per acre density, which typically results in detached dwellings and which has been a preferred approach in Nipomo over attached units. Street trees and other common area landscaping are proposed. The subdivision design also meets the Access and Circulation Design standards and other design sections of this chapter.

Land Use Ordinance - Planning Area Standards

The South County Area Plan includes detailed requirements for road and transportation needs, density, and residential subdivision design. Staff responses to the project are written in *italics*.

Section 22.112.020 South County Inland

22.112.020 – Areawide Standards:

C. Circulation planning.

1. Public right-of-way dedications. Provide an offer of dedication where necessary for public streets, bikeways and pathways. *Staff response: The applicant proposes additional right-of-way as requested by the Public Works Department.*
2. Pathways in new land divisions. Land divisions that propose public pathways next to the road may use gross acreage to calculate allowable density. *Staff response: A parkway and detached sidewalk are proposed along Grande Avenue and Blume Streets that qualify the project to use gross acreage in calculating density.*
3. Traffic noise mitigation – Review noise sensitive uses located near collector streets for noise impacts with priority mitigations listed. *Staff response: The project is located outside the 60 decibel noise contour and not subject to projected traffic noise. An agricultural buffer is proposed that creates enough distance and structures between truck loading areas and agricultural operations to minimize noise impacts.*
4. Transit-oriented standards – Provide a design that is consistent with standards to provide pedestrian access to bus stop or fund their share of a shelter or bus stop along the closest major arterial or collector street, and provide transit facilities within new development whenever possible. *Staff response: The project is located within one-half mile of potential or existing regional bus stops, and a condition is proposed to either provide a necessary bus stop or fund its share of a shelter.*

22.112.080 – Nipomo Urban Area Standards:

A. Communitywide standards

2. Right-of-way requirements for residential categories – Offer of dedication is required for a minimum 8-foot parkway unless right-of-way exists, and landscaping improvements are required. *Staff response: Project proposes an 8-foot parkway and 4-foot sidewalk, which would meander on the Blume Street frontage. A modification of the standard is requested by the applicant to allow the meander; however, since no provision is made in the standard, the meander would need to occur outside the parkway if the applicant wishes. No condition is proposed to require the meander due to the limited 2-foot space between the sidewalk and fence, which should be retained for landscaping.*

G. Residential Multi-Family standards

1. Density limitations – The site is identified in Figure 112-51 as being limited to a maximum density of 10 units per acre, which can be supplemented by the affordable housing density bonus. It also is required to have a minimum density of 10 units per acre. The site must conform to the medium density criteria in Section 22.10.130 to have no more than 48 percent in gross floor area, and no less than 45 percent of open space (defined as all areas except buildings, parking aisles, driveways and parking spaces). Detached or duplex dwellings are required at this density, in order “to achieve the appearance of a compact single-family neighborhood.” Staff response: *The applicant’s statement indicates that 65 percent of the site would be in open space, which conforms to the medium density criteria. The applicant proposes detached two-story single-family units at 10 units per acre, with no additional affordable housing density. The lot layout and appearance of the units are consistent with the requirement to appear as a compact single-family neighborhood.*
2. Permit requirement – A Conditional Use Permit is required to ensure a lot pattern that accommodates a varied distribution of buildings and articulated building layout, with usable open space area and a gradation to adjacent neighborhoods, to maximize compatibility and mitigation of potential noise impacts. Staff response: *The project provides a lot pattern with enough depth to individual lots to accommodate varied front setbacks; five different building models are proposed with varying features; the street layout jogs in three locations to vary lot and building fronts for interest. A mini-park/playground is proposed with usable open space area for residents, to be managed by the owners association, and two-story houses rather than larger structures are proposed along the street consistent with single-family neighborhoods south of Grande Avenue.*
3. Site planning criteria. Site design shall include a varied distribution of buildings, separated by usable private and common open spaces and parking areas. Provide private outdoor space with a minimum depth and width of 15 feet. An active recreation area is required with at least 250 square feet for every four units, or a total of 2,375 square feet for the proposed 38 units, with tables and benches, shade and playground equipment. Staff response: *Building locations and edges are varied with different combinations of setbacks and articulation among several models. The project is separated from the street by a parkway and landscaped edge, and buildings are separated further by back yards that exceed the minimum private open area. A 2,915 square foot park is proposed that exceeds the requirement, and a condition is proposed to ensure that the park design is consistent with the standard.*
4. Subdivision requirements. Subdivisions shall be designed in blocks with maximum lengths. Staff response: *The project is designed in a conforming block pattern.*
5. Road dedication requirement. A parkway shall be offered for dedication if necessary. Staff response: *The applicant has proposed a parkway with the subdivision that includes slightly less width on Blume Street to accommodate a curvilinear sidewalk. However, no exception is allowed by the standard from the required eight-foot width. A Variance would be the only means to approve a smaller parkway, and it would require specific findings be made - one of which would be that a site-specific, physical hardship exists that prevents meeting the standard. Although a slight meander in the path could be attractive, a condition is recommended to require a revised design that conforms to the standard eight-foot parkway width.*

ENVIRONMENTAL DETERMINATION:

The Initial Study that was prepared for this application identified potentially significant impacts that are associated with the project, in the areas of agricultural resources, air quality, geology, public services, recreation, transportation/circulation and water supply. Mitigation measures to reduce potential impacts to insignificance were also identified to which the applicant agreed to incorporate into the project. On July 28, 2005, a Mitigated Negative Declaration was issued for this project and is attached to this report. Some of the identified impacts and proposed mitigation measures are highlighted below:

Agricultural Resources

A wholesale cut flower nursery with greenhouses and an outdoor growing area is located to south of the site across Grande Avenue, within the Agriculture land use category, and a Williamson Act preserve contract exists for the property. Potential impacts to the nursery residents of the proposed project could include daily exposure to dust, noise and the use of pesticides and farm chemicals. Impacts to the agricultural facility could include increased duty of care and liability, constraints on daily operating procedures, and handling of complaints about dust, noise and chemicals. The applicant redesigned the project to minimize incompatibilities, including a 75-foot agricultural buffer for residences and a multi-layered landscape screen along Grande Avenue. These mitigation measures are recommended as conditions of approval to include in the final project.

Geology and Soils

The 3.8-acre parcel is located on Oceano sand, a soil type that has high erodibility. Since the site is larger than one acre, the Clean Water Act requires that the applicant prepare and implement a Storm Water Pollution Prevention Plan, and a sedimentation and erosion control plan is also required by county ordinance. A covered drainage basin is proposed as a precast modular system, to be located under an internal street to conserve space. No other measures other than code compliance are required.

COMMUNITY ADVISORY GROUP COMMENTS:

In response to a referral on the original project, the Nipomo Area Advisory Council recommended denial in a letter dated July 23, 2002 (in Attachment B) indicating that the council “strongly opposes the high density housing” in the project. Concern was expressed that an internal park was not proposed, and that the small lot sizes did not conform to the LUO, in that a 6,000 square foot minimum was stated to be required. A response from the NCAC was not received to a referral on the revised project.

The subdivision design criteria in Sec. 22.22.080 of the LUO do indicate a minimum parcel size of 6,000 square feet for standard subdivisions. However, a “planned development” in compliance with the Subdivision Map Act “*may use smaller parcel sizes to be determined by the Review Authority through a Conditional Use Permit approval...*” if two conditions are met: 1) the common ownership external parcel is in compliance with the provisions of the LUO, and 2) the density of residential units complies with the RMF category. The project has provided a common ownership external parcel and meets the density requirement of the RMF category.

Since the proposed project meets all of the above density requirements and subdivision criteria, the proposed lot sizes of less than 6,000 square feet do not violate the planning area standards for the Residential Multi-Family land use category.

AGENCY REVIEW:

Nipomo CSD – Intent-to-Serve Water and Sewer Service letter, August 28, 2003

Environmental Health – Adequate information that the Nipomo Community Services District will provide water and sewer service. Recommends stock conditions for community water and sewer.

Public Works – Recommends approval with stock conditions.

County Parks - Quimby and Building permit fees

CDF - Fire safety plan dated July 19, 2002 for community water system, hydrants and access roads.

APCD – Measures to control dust in construction phase; operational phase energy efficiency; consistent with Clear Air Plan land use policies.

LEGAL LOT STATUS:

The existing lot was legally created by a recorded map at a time when that was a legal method of creating lots.

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FINDINGS - EXHIBIT A
Vesting Tentative Map

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Revised Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on July 22, 2005 for this project. Mitigation measures are proposed to address agricultural resources, air quality, geology, public services, recreation, transportation/circulation and water and are included as conditions of approval.

Tentative Map

- B. As conditioned, the proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Residential Multi-Family land use category.
- C. As conditioned, the proposed map is consistent with the county zoning and subdivision ordinances because the parent parcel meets the minimum parcel size set by the Land Use Ordinance and is being subdivided using the planned development standards and the proposed parcels meet applicable design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because the required improvements will be completed consistent with county ordinances and conditions of approval, and the design of the parcels meets applicable policies of the general plan and ordinances
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of single-family residences.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support a primary dwelling on each proposed parcel.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the project includes measures to reduce identified potentially significant impacts to insignificance.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

EXHIBIT B

CONDITIONS OF APPROVAL FOR TRACT 2441

Approved Project

1. This approval authorizes the division of a 3.8-acre parcel into 38 parcels ranging in size from 2,600 to 5,280 square feet in order to construct a planned development consisting of 38 detached single-family residences. The project also includes a 2,915 square foot park, underground drainage basin, and a 26-foot wide private street

Access and Improvements

2. Roads and/or streets to be constructed to the following standards:
 - a. Grande Avenue and Blume Street to be widened to complete an A-2 (urban) section fronting the property. Blume Street to include Class II bike lanes. Grande Avenue to include three 11-foot lanes with parking on the north side (typical sections shown on Tentative Map are adequate).
 - b. "A" Street to be constructed to a 2/3 A-e (urban) section within a minimum 40-foot dedicated right-of-way. The street section is to include an 8-foot parkway and 5-foot sidewalk. Paving shall extend a minimum 24 feet from face of curb.
3. The applicant shall offer for dedication to the public by certificate on the map or by separate document:
 - a. A 20-foot radius property line return at the intersection of all streets.
4. Access be denied to lots 1 through 7 from Blume Street, and 31 through 39 from Grande Avenue and that this be by certificate and designation on the map.
5. A private easement be reserved on the map for access to all lots.
6. All grading shall be done in accordance with Appendix 33 of the Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

Improvement Plans

7. Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Water plan (County Health)
 - d. Sewer plan (County Health)
 - e. Grading and erosion control plan for subdivision related improvement locations.
 - f. Landscaped parkway plan in accordance with Planning Area Standards.
 - g. Bus stop plan as required by the Regional Transit Authority, which may waive the required bus stop in lieu of fees for the project's pro rata share of a bus stop within one half mile of roadway.

8. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
9. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
10. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

Drainage

11. Submit complete drainage calculations to the Department of Public Works for review and approval.
12. If calculations so indicate, drainage must be retained in a drainage basin on the property. The design of the basin to be approved by the Department of Public Works, in accordance with county standards.
13. If a drainage basin is required, the drainage basin along with rights of ingress and egress be:
 - a. offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns.
14. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program.

Utilities

15. Electric and telephone lines shall be installed underground.
16. Cable T.V. conduits shall be installed in the street.
17. Gas lines shall be installed.

Design

18. The lots shall be numbered in sequence.
19. The applicant shall apply to the Department of Planning and Building for approval of new street names prior to the filing of the final parcel or tract map. Approved street names shall be shown on the final parcel or tract map and on the improvement plans.

Fire Protection

20. The applicant shall obtain a fire safety clearance letter from the California Department of Forestry (CDF)/County Fire Department establishing fire safety requirements prior to filing the final parcel or tract map per the CDF letter dated July 17, 2002

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Parks and Recreation (Quimby) Fees

21. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, or as reduced by the Parks Division of the General Services Department, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them.

Affordable Housing Fee

22. **Prior to filing the final parcel or tract map**, the applicant shall pay an affordable housing fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

Easements

23. Easements shall be recorded for the park, parkways and common landscaping areas. They are to be held in common by the Homeowner's Association. The easements are to be maintained as open space in perpetuity.

Landscape, Streetlighting and Fencing Plans

24. **Prior to recordation of the final map**, the applicant shall submit a landscape / irrigation plan for the tract consistent with Land Use Ordinance Chapter 22.16 to the Department of Planning and Building for review and approval. Parks Division shall review the plans for consistency with standards for playground safety and equipment. Said plans to include the location, species, size and method of maintenance of all proposed plant materials, as well as other required information. Plans to include:
- a. Landscaping of street parkways and landscape strips on Grande Avenue, Blume Street and "A" Street, consistent with Lot 6 and Lot 34 detail sheets submitted January 14, 2005. Landscaping material on Grande Avenue shall provide adequate density (maturity and quantity) to form an evergreen vegetative screen at the time of building occupancy.
 - b. Common area landscaping including but not limited to, the Park parcel which shall include at a minimum shade trees, one or more turf areas to comprise a total minimum 50 percent of the site area, perimeter shrub plantings, a playground with equipment, a shade structure and a minimum five tables and benches.
 - c. Tract landscaping improvements including but not limited to one street tree per lot within 8 feet of the curb of "B" and "C" Streets, landscaping in front and street side yards, and where areas are not intended for private use, including a mailbox location(s). One tree shall also be planted within each back yard for shading and screening purposes.
25. **Before final inspection of tract grading and improvements**, landscaping within the exterior of the site (outside the street fence/walls) shall be installed or bonded for in accordance with the approved landscaping plan. If bonded for, landscaping shall be installed within 60 days after final inspection. All landscaping shall be maintained in a viable condition in perpetuity.

26. **Prior to recordation of the final map**, the applicant shall submit a Streetlighting plan consistent with Land Use Ordinance Section 22.10.060 to the Department of Planning and Building for review and approval. Said plan shall include the location, type, wattage and height of full-cutoff fixtures, which shall be pole-mounted at a maximum height of 15 feet. A photometric plan shall demonstrate compliance with ordinance requirements. Fixtures shall be architectural quality in a style consistent with the design of residences.
27. **Prior to recordation of the final map**, the applicant shall submit a Fencing plan consistent with Land Use Ordinance Section 22.10.060 to the Department of Planning and Building for review and approval. Said plan shall include the location, design and materials of fencing or walls at the proposed perimeter of the site and within typical interior and street corner lots. Fencing or wall materials and construction shall be adequate to support long-term vine plantings. An open fence shall be utilized on Blume Street at the Park on Lot 7. Fences at the fronts of lots and street side yards of corner lots shall be located in back of the building edges.

Additional Map Sheet

28. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
 - a. A Development Plan consistent with the proposed plan dated October 2003, with all common areas shown and designated.
 - b. A note that secondary dwellings shall not be allowed on the property.
 - c. **Prior to sale of each lot**, the applicant shall provide future landowners and occupants a copy of the County Right-to-Farm Ordinance, and disclosure documents describing the existing agricultural operations in the vicinity, including hours of operation.
 - d. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
 - e. An agricultural buffer of 45 feet within Lots 31 through 39, prohibiting residential structures. This buffer shall become null and void on individual parcels within this subdivision, if the subject Agriculture land use category south of Grande Avenue is changed. At the time of construction permits, the applicant shall clearly delineate the agricultural buffer on the project plans.
 - f. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
 - g. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
 - i. Construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
 - ii. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

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29. **Prior to approval of tract improvement plans** the applicant shall implement the following particulate (dust) control measures. All PM₁₀ mitigation measures required shall be shown on tract improvement plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to land use clearance for map recordation and land use clearance for finish grading of the structure.
- a. Reduce the amount of disturbed area where possible.
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.
 - c. All dirt stock-pile areas should be sprayed daily as needed.
 - d. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities.
 - e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating native grass seed and watered until vegetation is established.
 - f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.
 - g. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - h. Vehicle speeds for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site.
 - i. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
 - j. Wheel washers shall be installed where vehicles enter and exit unpaved roads onto streets, or trucks and equipment leaving the site shall be washed off.
 - k. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads, and water sweepers with reclaimed water shall be used where feasible.
30. **Prior to issuance of tract improvement plans**, the applicant shall ensure that portable engines and potable equipment are registered in the statewide portable equipment registration program, or a permit to operate shall be obtained from the APCD prior to the start of construction.
31. **If demolition of underground utilities or pipes is required**, the applicant shall contact the APCD and comply with the requirements listed in the National Emission Standard for Hazardous Air Pollutants (NESHAP). These requirements include, but are not limited to: 1) notification requirements to the APCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and 3) applicable removal and disposal requirements of identified asbestos containing material (ASM).

2-15

32. **Prior to issuance tract improvement plans**, the applicant shall submit a copy of the Storm Water Pollution Prevention Plan submitted to the State Water Resources Control Board. The plan shall be implemented prior to, during, and immediately following grading activities.
33. **Prior to recordation of final map**, the applicant shall pay all applicable Quimby and Building Division Fees.
34. **Prior to recordation of the final map**, the applicant shall submit a final "will-serve" letter from the Nipomo Community Services District to the Department of Environmental Health.

Covenants, Conditions and Restrictions

35. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:
 - a. Provision of a homeowners association with by-laws and attendant responsibilities for the on-going maintenance of the common areas and facilities by the association, and responsibilities of lot owners **to be established before recordation of the final map.**
 - b. A Development Plan consistent with the proposed plan dated October 2003, with all common areas shown and designated.
 - c. Secondary dwellings shall not be allowed on the property.
 - d. **Prior to sale of each lot**, the applicant shall provide future landowners and occupants a copy of the County Right-to-Farm Ordinance, and disclosure documents describing the existing agricultural operations in the vicinity, including hours of operation.
 - e. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
 - f. On-going maintenance of drainage basin, landscaping, lighting fixtures, internal streets, curbs, gutters and sidewalks, Park, mailbox(s) and other areas and facilities within the site and the public street right-of-way that are the responsibility of the association, in a viable condition on a continuing basis into perpetuity.
 - g. An agricultural buffer prohibiting residential structures, consisting of 45 feet over lots 31 through 39, shall be shown on an exhibit attached to the CC&Rs. This buffer shall become null and void on individual parcels within this subdivision, if the adjacent Agriculture land use category is changed.
 - h. Maintenance of all streets within the subdivision.
 - i. Maintenance of the Grande Avenue, Blume Street and "A" Street side of the fence/wall and landscaping between the fence/wall and the curb.

Miscellaneous

36. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
37. A stormwater pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary prior to filing the final map.

STANDARD CONDITIONS OF APPROVAL FOR
SUBDIVISIONS USING COMMUNITY WATER AND SEWER

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved community water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Water main extensions, laterals to each parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by the county Health Officer.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and county Health Department destruction standards. The applicant is required to obtain a permit from the county Health Department.
5. When a potentially operational or operational auxiliary water supply in the form of an existing well(s) is located on the parcels created and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Ordinance)
6. Sewer service shall be obtained from the community sewage disposal system.
7. Prior to the filing of the map a "final will serve" letter be obtained and submitted to the county Health for review and approval stating that community sewer system service is immediately available for connection to the parcels created. Sewer main extensions may be bonded for, subject to the approval of county Public Works and sewer district.
8. No residential building permits shall be issued until community sewers are operational and available for connection.
9. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
10. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
11. Any existing reservoir or drainage swale on the property shall be delineated on the map.

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12. Prior to submission of the map "checkprints" to county Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
13. Required public utility easements shall be shown on the map.
14. Approved street names shall be shown on the map.
15. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
16. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.
17. Any private easements on the property shall be shown on the map with recording data.
18. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to the filing of the map.
19. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
20. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
21. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.

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EXHIBIT C - FINDINGS
Conditional Use Permit

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Revised Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on July 22, 2005 for this project. Mitigation measures are proposed to address agricultural resources, air quality, geology, public services, recreation, transportation/circulation and water and are included as conditions of approval.

Conditional Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the proposed use is allowed in the county Land Use Element and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the development of a single-family neighborhood does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the use of detached, single family dwellings will be similar to that of other residential development nearby, and the appearance of the neighborhood is a gradation of higher density that will be similar to other projects within the Residential Multi-Family category adjacent to the site.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project traffic is within the planned capacities of Grande Avenue and Blume Street, and these streets are constructed to a level able to handle any additional traffic associated with the project
- G. As conditioned, the proposed project qualifies as a planned development and complies with Land Use Ordinance Section 22.22.080D because the common ownership parcel will be owned and managed by an owners association with identified responsibilities in Conditions, Covenants and Restrictions (CC&Rs), and because the density of residential units is in compliance with the medium density criteria in Land Use Ordinance Section 22.10.130 for the Residential Multi-Family land use category.

EXHIBIT D - CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT

Approved Development

1. This approval authorizes the development of 38 detached single-family residential units on individual parcels to be created by Vesting Tentative Tract Map 2441, a common area Park on an individual lot, and street, lot and common area improvements including but not limited to landscaping, streetlighting, drainage basin, and private streets.

Conditions required to be completed at the time of application for construction permits

Site Development

2. **At the time of application for construction permits**, submit a revised site development plan, and revised architectural elevations to detail exterior finish materials, colors, and height above finish grade on all sides of proposed buildings to the Department of Planning and Building for review and approval. The revised plans shall indicate the following and development shall be consistent with this revised and approved plan:
 - a. Development plan to show all common areas held in common by the owners association.
 - b. Development plan shall show an agricultural buffer of 45 feet within Lots 31 through 39, prohibiting residential structures. This buffer shall become null and void on individual parcels within this subdivision if the Agriculture land use category south of Grande Avenue is changed. At the time of construction permits, the applicant shall clearly delineate the agricultural buffer on the project plans.
 - c. Elevations shall show exterior finish materials, colors, and height above the existing natural ground surface. Architectural elevations shall show detailing to be consistent and same quality on all sides of the buildings, and heights from finish grade. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the natural colors of the surrounding environment, including vegetation, rock outcrops, etc. Non-reflective, earth tone colors shall be selected for walls, chimneys, etc. and darker green, grey, slate blue, or brown colors for the roofs. Colors and materials shall be identified with paint samples on boards.
3. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable, in addition to tract streetlighting. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

4. **At the time of application for construction permits, all PM₁₀ mitigation measures required shall be shown on grading and building plans.** In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to land use clearance for map recordation and land use clearance for finish grading of the structure.
- a. Reduce the amount of disturbed area where possible.
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.
 - c. All dirt stock-pile areas should be sprayed daily as needed.
 - d. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities.
 - e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating native grass seed and watered until vegetation is established.
 - f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.
 - g. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - h. Vehicle speeds for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site.
 - i. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
 - j. Wheel washers shall be installed where vehicles enter and exit unpaved roads onto streets, or trucks and equipment leaving the site shall be washed off.
 - k. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads, and water sweepers with reclaimed water shall be used where feasible.

Fire Safety

5. **At the time of application for construction permits,** all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated July 17, 2002.

Services

6. **At the time of application for construction permits,** the applicant shall provide a letter from Nipomo Community Services District stating they are willing and able to service the property.

Conditions to be completed prior to issuance of a construction permit

Fees

7. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.
8. **Before issuance of construction permits**, plans submitted shall show all development consistent with the approved site plan, floor plans, architectural elevations and landscape, streetlighting and fencing plans.
9. **Prior to issuance of building permits for individual lot development**, in the instance where wood burning stoves are proposed, the applicant shall submit building plans showing the use of APCD-approved wood burning devices limited to the following:
 - a. Must comply with EPA-Certified Phase II wood burning devices;
 - b. Catalytic wood burning devices that emit less than or equal to 4.1 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
 - c. Non-catalytic wood burning devices that limit less than or equal to 7.5 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
 - d. Pellet-fueled woodheaters, or;
 - e. Dedicated gas-fired fireplaces.
10. **Prior to issuance of grading and construction permits or tract improvement plans**, the applicant shall ensure that portable engines and portable equipment are registered in the statewide portable equipment registration program, or a permit to operate shall be obtained from the APCD prior to the start of construction.
11. **If demolition of underground utilities or pipes is required**, the applicant shall contact the APCD and comply with the requirements listed in the National Emission Standard for Hazardous Air Pollutants (NESHAP). These requirements include, but are not limited to: 1) notification requirements to the APCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and 3) applicable removal and disposal requirements of identified asbestos containing material (ASM).
12. **Prior to issuance of construction permit for each residence**, the following measures shall be incorporated into the project:
 - a. Increase walls and attic insulation beyond Title 24 requirements.
 - b. Orient buildings to maximize natural heating and cooling.
 - c. Plant shade trees along southern exposures of buildings to reduce summer cooling needs.
 - d. Use built-in energy efficient appliances.
 - e. Use double-paned windows.
 - f. Use energy efficient indoor and outdoor lights.
 - g. Provide outdoor electrical outlets to encourage the use of electric appliances and tools.
 - h. Use high efficiency or solar water heaters.

13. **Prior to issuance of grading permit or tract improvement plans**, the applicant shall submit a copy of the Storm Water Pollution Prevention Plan submitted to the State Water Resources Control Board. The plan shall be implemented prior to, during, and immediately following grading activities.
14. **Prior to issuance of building permits for each residence**, construction plans must include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.

Conditions to be completed during construction

15. **During construction/ground disturbing activities**, the applicant shall implement the particulate (dust) control measures identified on the grading and building plans.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

16. **Prior to final building inspection and occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
17. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.
18. **Before final building inspection of residential units**, landscaping within the interior of the site (inside the street fence/walls) including but not limited to the Park and individual lot landscaping, shall be installed or bonded for in accordance with the approved landscaping plan. If bonded for, landscaping shall be installed within 60 days after final building inspection.
19. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
20. **Prior to final inspection**, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to ½" diameter). Prior to permit issuance, the measure(s) to be used shall be shown on all applicable plumbing plans.

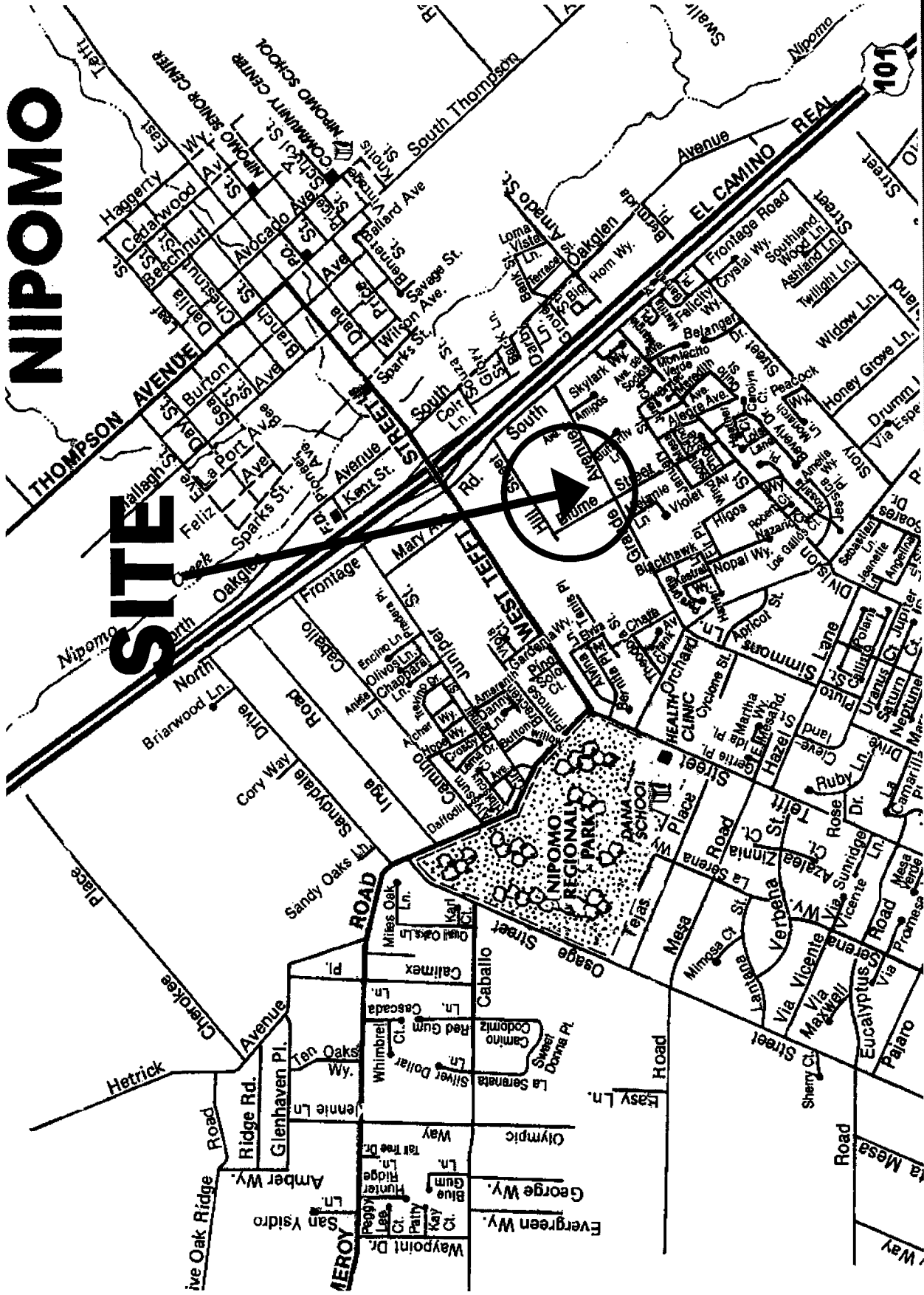
On-going conditions of approval (valid for the life of the project)

21. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.
22. All landscaping, tract improvements and common area equipment shall be maintained in a viable condition in perpetuity.

2-24

NIPOMO

SITE



EXHIBIT

Vicinity Map



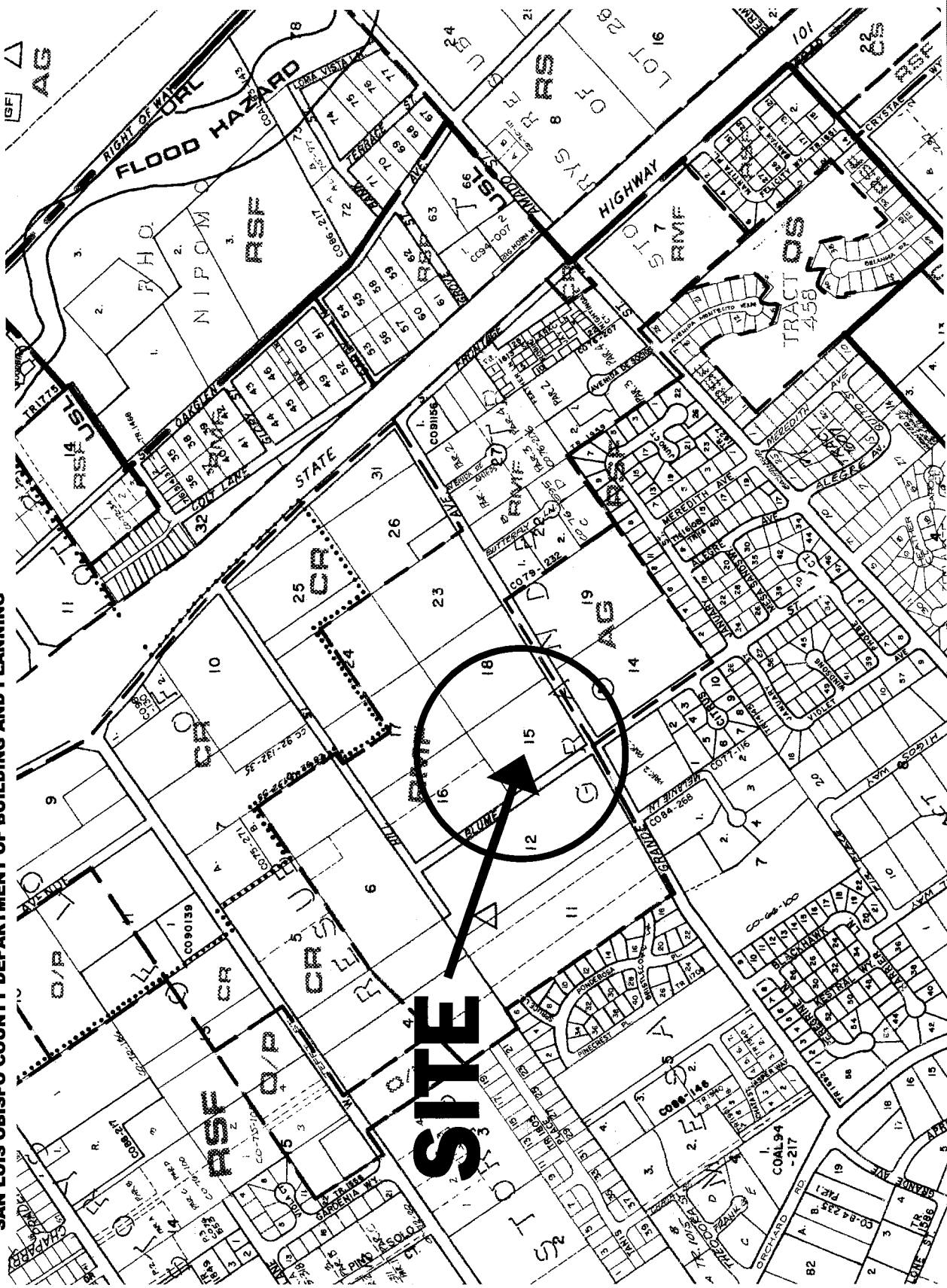
PROJECT

Tract Map

Gray S010354T - TR 2441

2-25

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

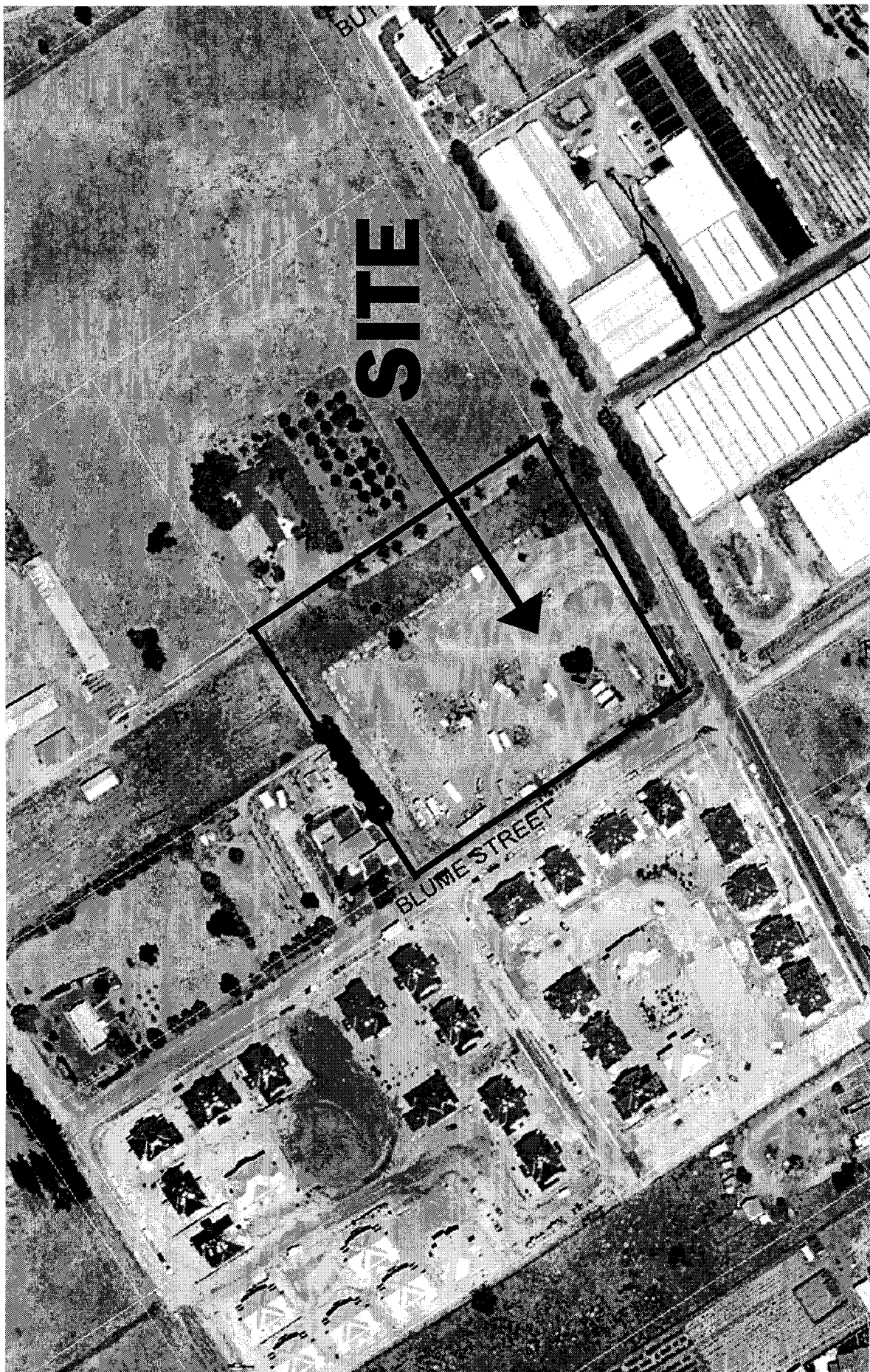
Tract Map
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EXHIBIT

Land Use Category

2-26



PROJECT

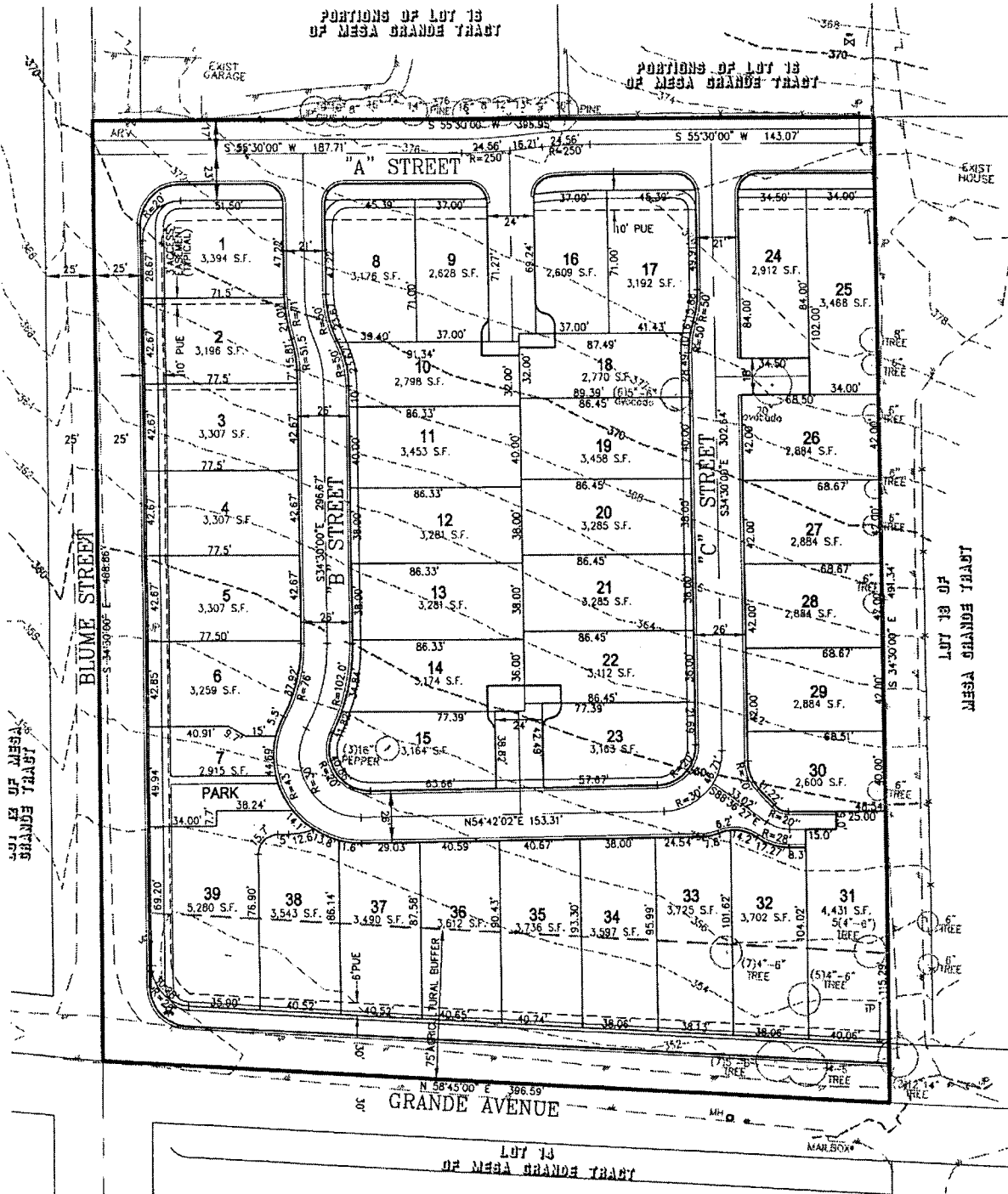
Tract Map
Gray S010354T - TR 2441

EXHIBIT

Aerial Photograph



2-27



EXHIBIT

Vesting Tentative Tract Map

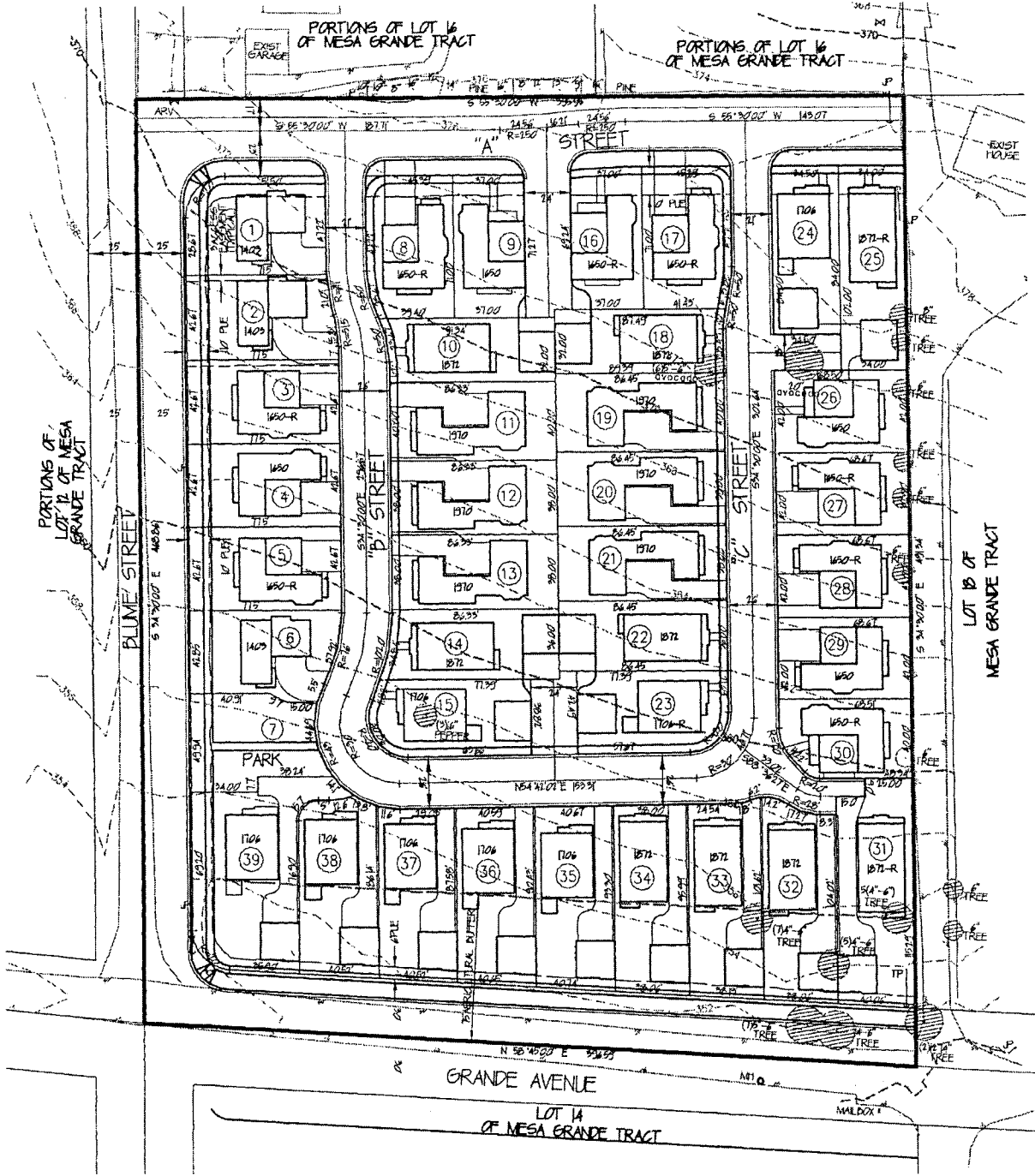


PROJECT

Tract Map

Gray S010354T - TR 2441

2-28



EXHIBIT

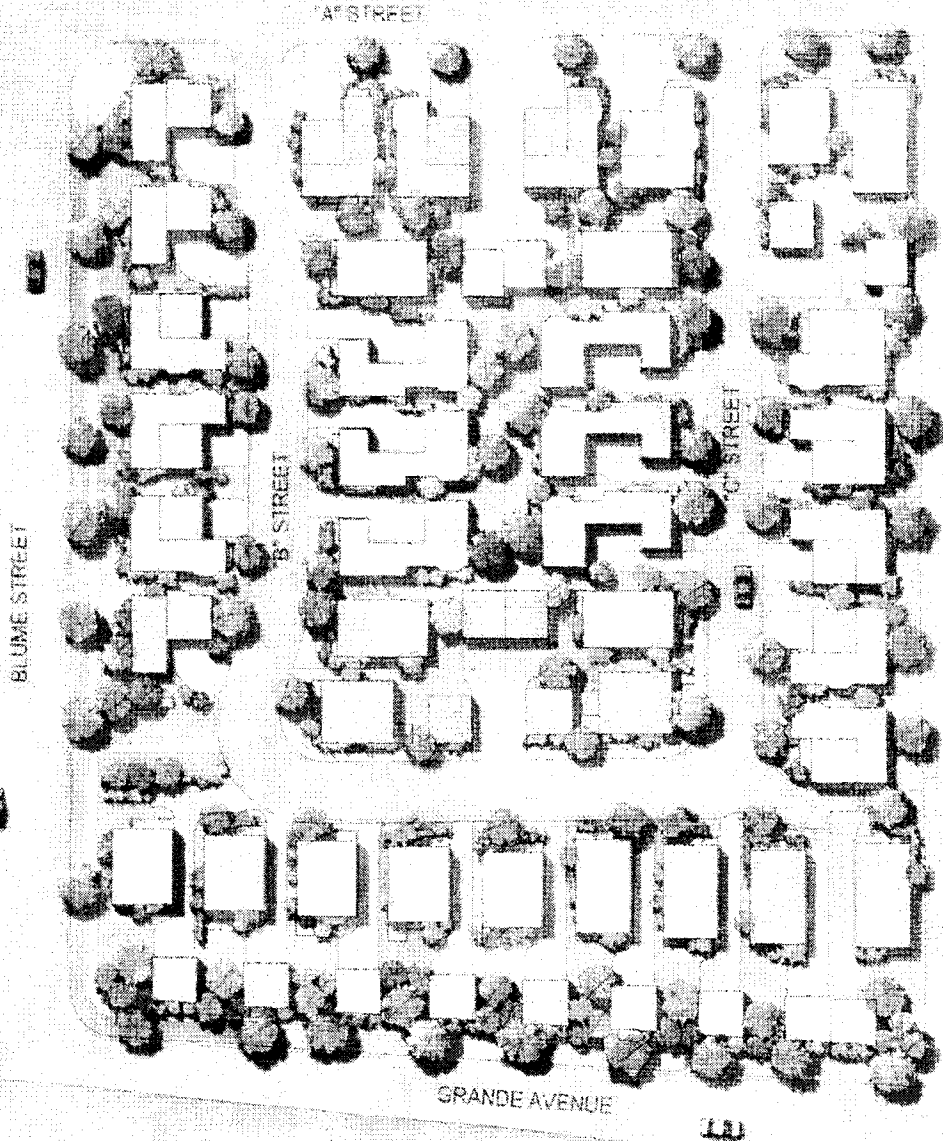
Development Plan



PROJECT

Tract Map
Gray S010354T - TR 2441

2-29



PROJECT

Tract Map
Gray S010354T - TR 2441

EXHIBIT

Landscape Plan



SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

GENERAL PLANT LIST



-TREES 15 GALLON

STREET TREES

Acacia Baileyana
Callistemon Viminalis (tree)
Liquidambar Strachflua

FRONT YARD TREES

Acacia Baileyana
Acer Palmatum "Ever Red"
Callistemon Viminalis (tree 6m)
Melaleuca Quinquenervia
Podocarpus Henkel (Long leafed yellowwood tree)

REAR YARD TREES

Acer Palmatum "Ever Red"
Betula Alba "White Birch"
Magnolia Grandiflora
Melaleuca Quinquenervia
Solanum Rantonetti (Patio Tree)

SIDE YARD TREES

Acacia Baileyana
Ficus Microcarpa (Reticulata "Green Gem")
Liquidambar Strachflua
Podocarpus Henkel

REAR YARD TREES ON GRANDE

Magnolia Grandiflora
Umbellularia Californica (California Laurel)

-SHRUBS 5 GAL, 1 GAL., AND FLATS

FOUNDATION/PLANTER

Agapanthus "Queen Anne"
Asparagus Meyer
Aucuba Japonica "Variegata"
Azalea Formosa
Bougainvillea "Barbara Karst"
Callistemon Viminalis tree (bush)
Diels (Morea) Vegeta "Johnsoni"
Escallonia Fradee "Newport Dwarf"
Euonymus Japonica "Golden"
Euonymus Pectinatus (green foliage)
Fragaria Chilensis
Gazania Rigens Leucobaena (uniform) "Sunrise Yellow"

FOUNDATION/PLANTER/PLANT-cont.

Hebe "Veronica Lake"
Hemerocallis Hybrids (evergreen) (yellow flower) "Flirty Echia"
Heuchera Mivanthia Palace Purple (Coral Bells)
Lantana Corfetti
Lantana Mont Purple
Nandina Domestica "Compacta"
Nandina Domestica "Fireball" "Gulf Stream"
Officinalis "Prostratus"
Pennisetum Setaceus "Rubrum" (Fountain Grass, no seeds)
Pittosporum "Variegata"
Pittosporum "Wheeler's Dwarf", "Enchantress"
Raphiolepis Indica "Pink Lady", "Enchantress"
Streitzia Reginea (Bird of Paradise)
Trachelospermum Jasminoides (Star Jasmine)
Tulbaghia Vidua

BORDER PLANTER

Agapanthus "Queen Anne"
Asparagus Meyer "Fox Tail Fern"
Aucuba Japonica "Variegata"
Buxus Microphylla Japonica "Compacta" (Boxwood)
Callistemon Lanc. (Bush)
Diels (Morea) Vegeta "Johnsoni"
Dodonaea Viscosa "Sarotoga" or "Purpurea" (Hopped Bush)
Erigeron Karvinskianus (Santa Barbara Daisy)
Escallonia Fradee "Newport Dwarf"
Euonymus Japonica "Golden"
Euonymus Pectinatus (Green Foliage)
Fragaria Chilensis
Gazania Rigens
Leucobaena (uniform) "Sunrise Yellow"
Hebe "Veronica Lake"
Hemerocallis Hybrids "Flirty Echia" (Evergreen) (Yellow Flower)
Heuchera Mivanthia "Palace Purple" (Coral Bells)
Hypericum Calycinum (Aaron's Beard)
Lantana Corfetti
Lantana Mont Purple
Nandina Domestica "Compacta"
Nandina Domestica "Fireball" "Gulf Stream"
Pennisetum setaceus "Rubrum" "Fountain Grass" no seeds
Pittosporum "Variegata"
Pittosporum "Wheeler's Dwarf", "Enchantress"
Prodris Frasen
Raphiolepis Indica "Pink Lady" "Enchantress"
Rosemarinus Officinalis "Prostratus"
Streitzia Reginea (Bird of Paradise)
Trachelospermum Jasminoides (Star Jasmine)
Tulbaghia violacea Xyosma Congestum

HOUSE LAWNS

F. Anundinacea (Tail Fescue) "Medallion"

PROJECT

Tract Map
Gray S010354T - TR 2441



EXHIBIT

Plant List

PARK TREES

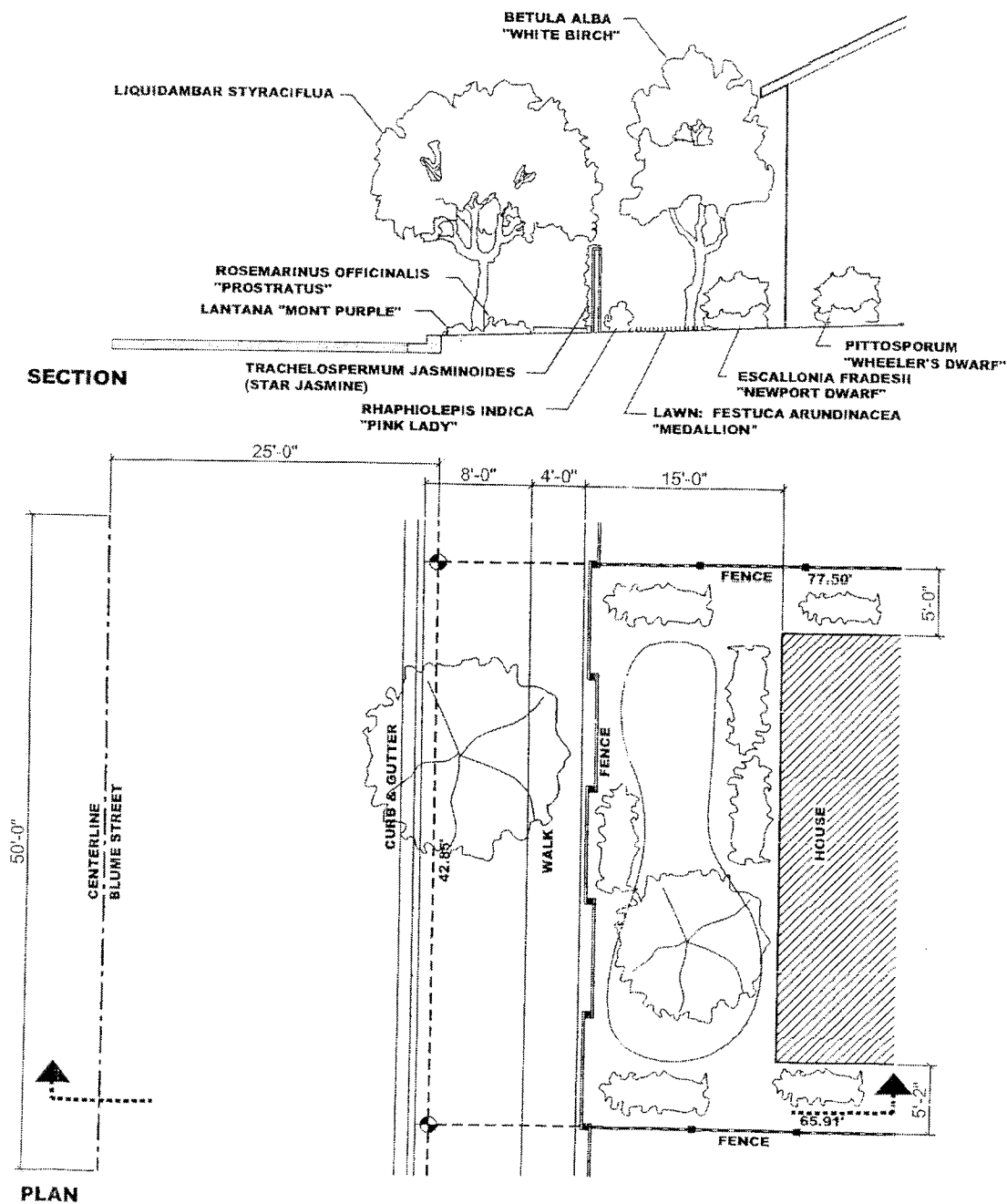
Betula Alba
Liquidambar Strachflua
Magnolia Grandiflora
Pinus Thunbergi
Quercus Agrifolia (Live Oak)
Schinus Molle (California Pepper)
Sequoia Sempervirens "Santa Cruz"
Umbellularia Californica (Calif. Laurel)

PARK PLANTS

Agapanthus "Queen Anne"
Bougainvillea Barbara Karst
Buxus Microphylla Japonica "Compacta" (Boxwood)
Diels (Morea) Vegeta "Johnsoni"
Dodonaea Viscosa "Sarotoga" or "Purpurea" (Hopbush)
Erigeron Karvinskianus (Santa Barbara Daisy)
Escallonia Fradee "Newport Dwarf"
Euonymus Pectinatus (green foliage)
Fragaria Chilensis
Gazania Rigens Leucobaena (uniform) "Sunrise Yellow"
Hebe "Veronica Lake"
Hemerocallis Hybrid "Flirty Echia" (evergreen) (yellow flower)
Hypericum Calycinum (Aaron's Beard)
Lantana "Corfetti"
Lantana "Mont Purple"
Nandina Domestica "Compacta"
Nandina Domestica "Fire Ball" "Gulf Stream"
Pennisetum Setaceus "Rubrum" (Fountain Grass) no seeds
Prodris Frasen
Pittosporum "Wheeler's Dwarf" "Enchantress"
Raphiolepis Indica "Pink Lady" "enchantress Lady" "Enchantress"
Rosemarinus Officinalis "Prostratus"
Trachelospermum Jasminoides (Star Jasmine)
Tulbaghia violacea
Xyosma Congestum

PARK LAWN

F. Anundinacea (Tail Fescue) "Blend"



EXHIBIT

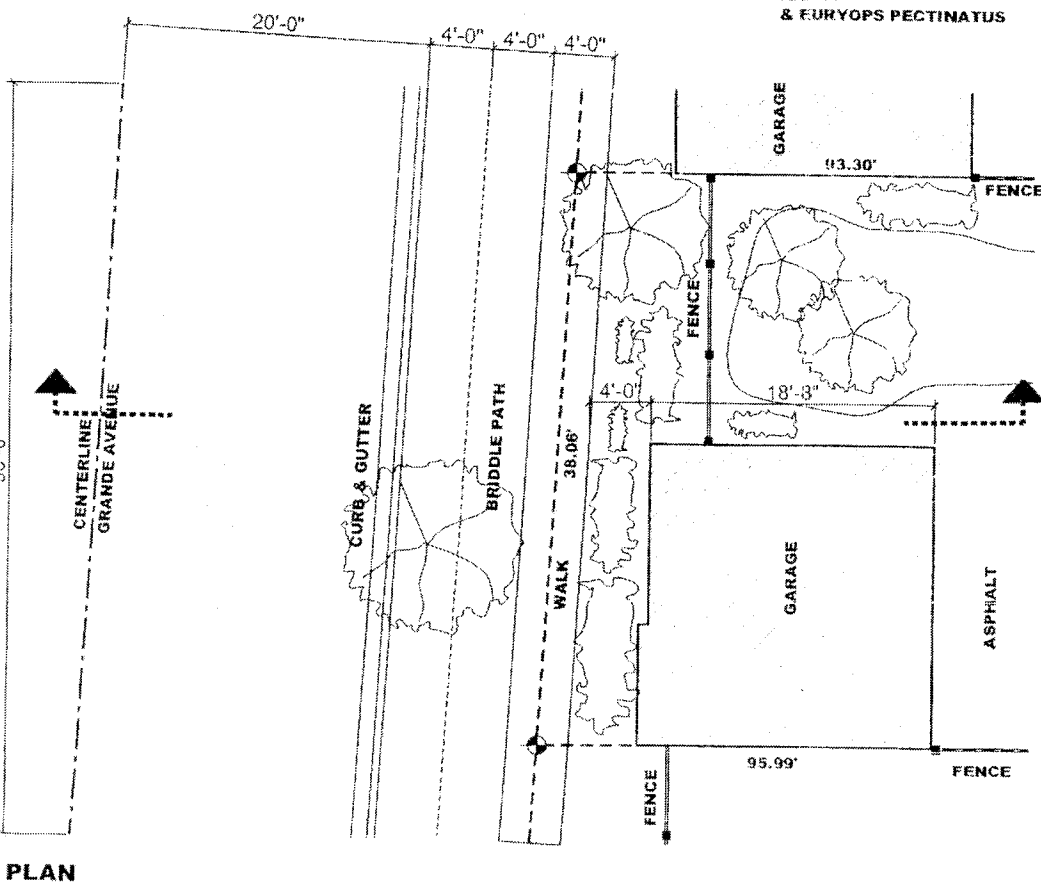
Lot 6 Detail



PROJECT

Tract Map

Gray S010354T - TR 2441



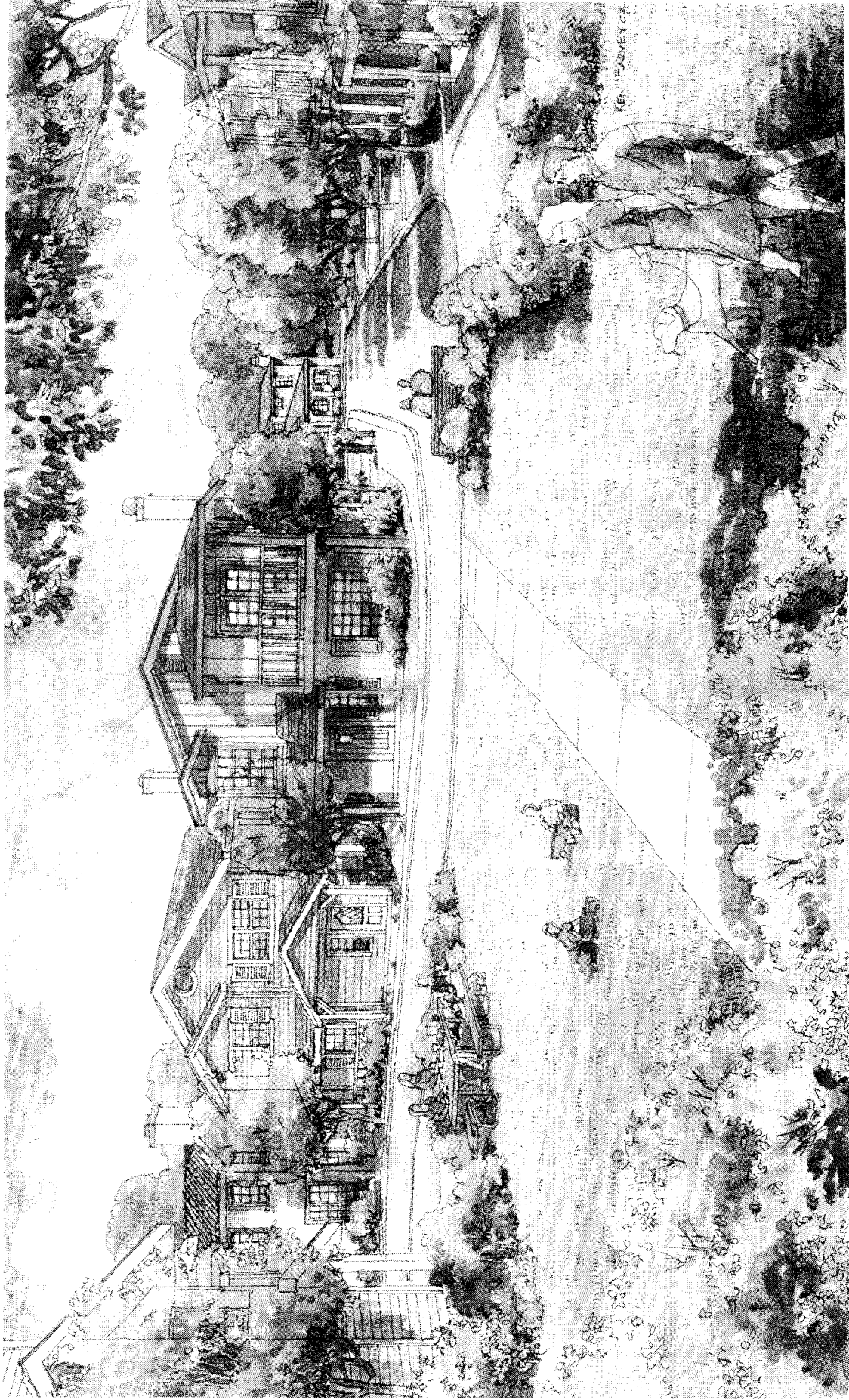
EXHIBIT

Lot 34 Detail



PROJECT

Tract Map
Gray S010354T - TR 2441



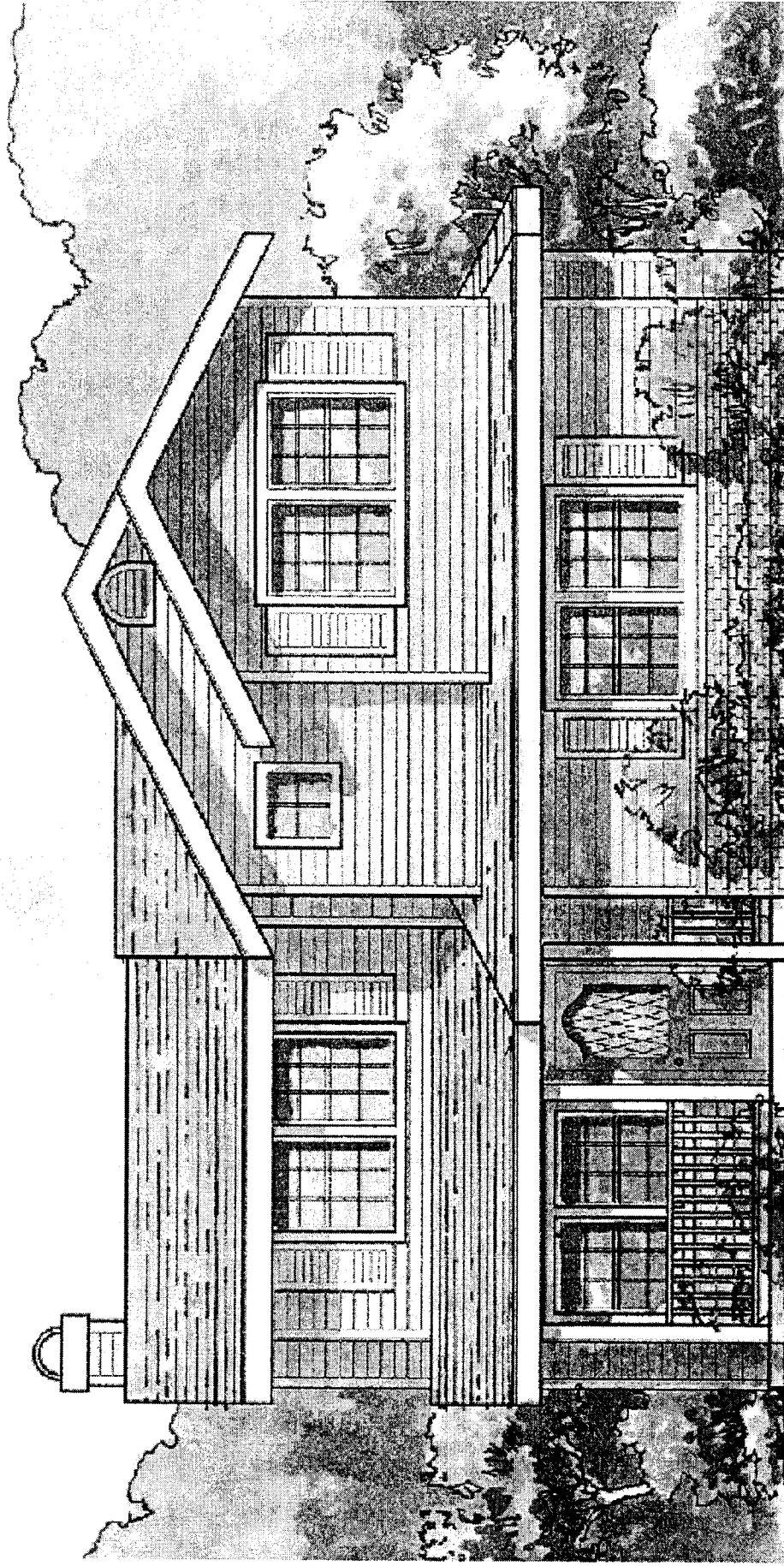
PROJECT

Tract Map
Gray S010354T - TR 2441

EXHIBIT

Perspective





PROJECT

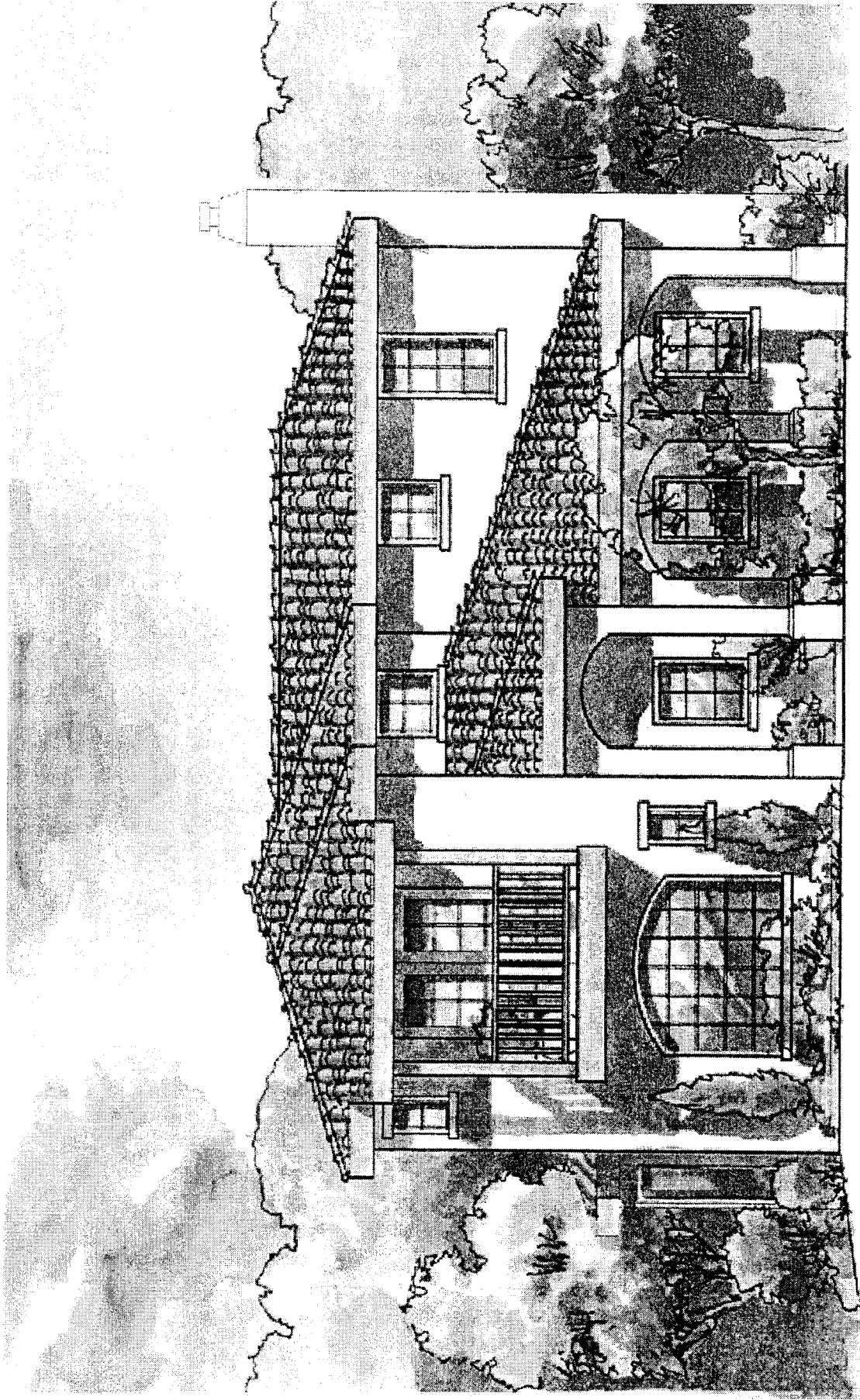
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EXHIBIT

Plan 1403



2-35



PROJECT

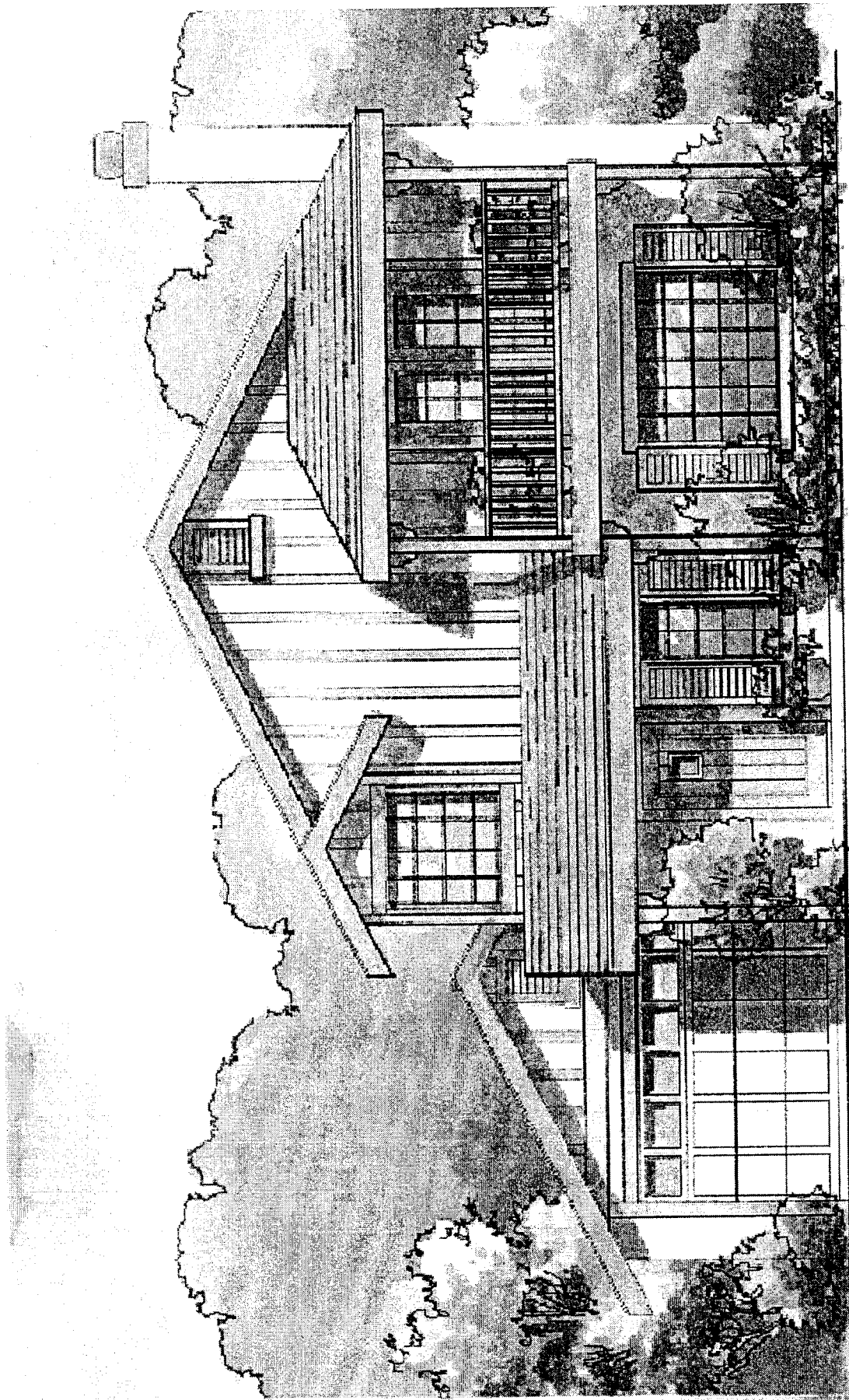
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EXHIBIT

Plan 1650



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PROJECT

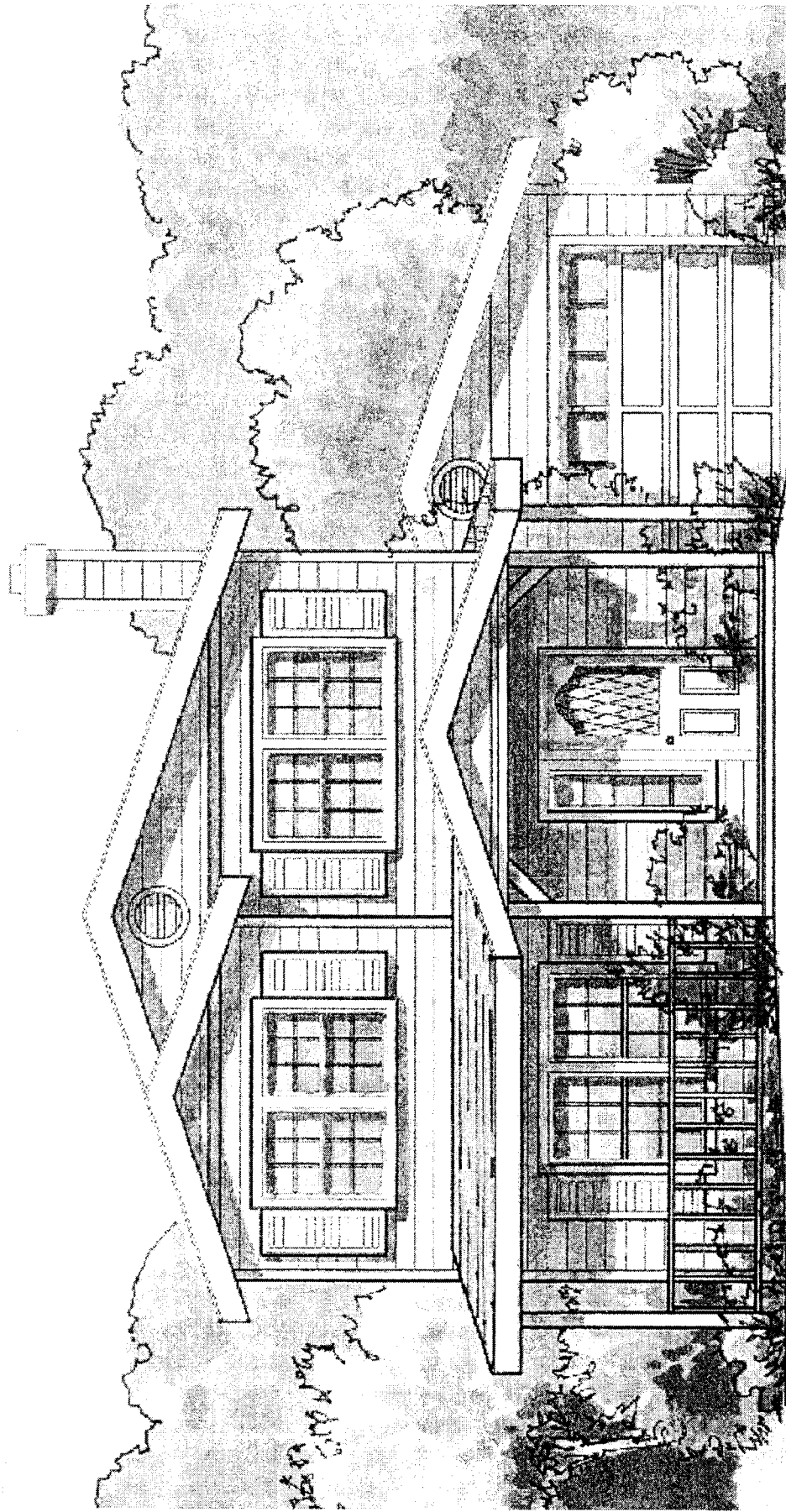
Tract Map
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EXHIBIT

Plan 1706



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PROJECT

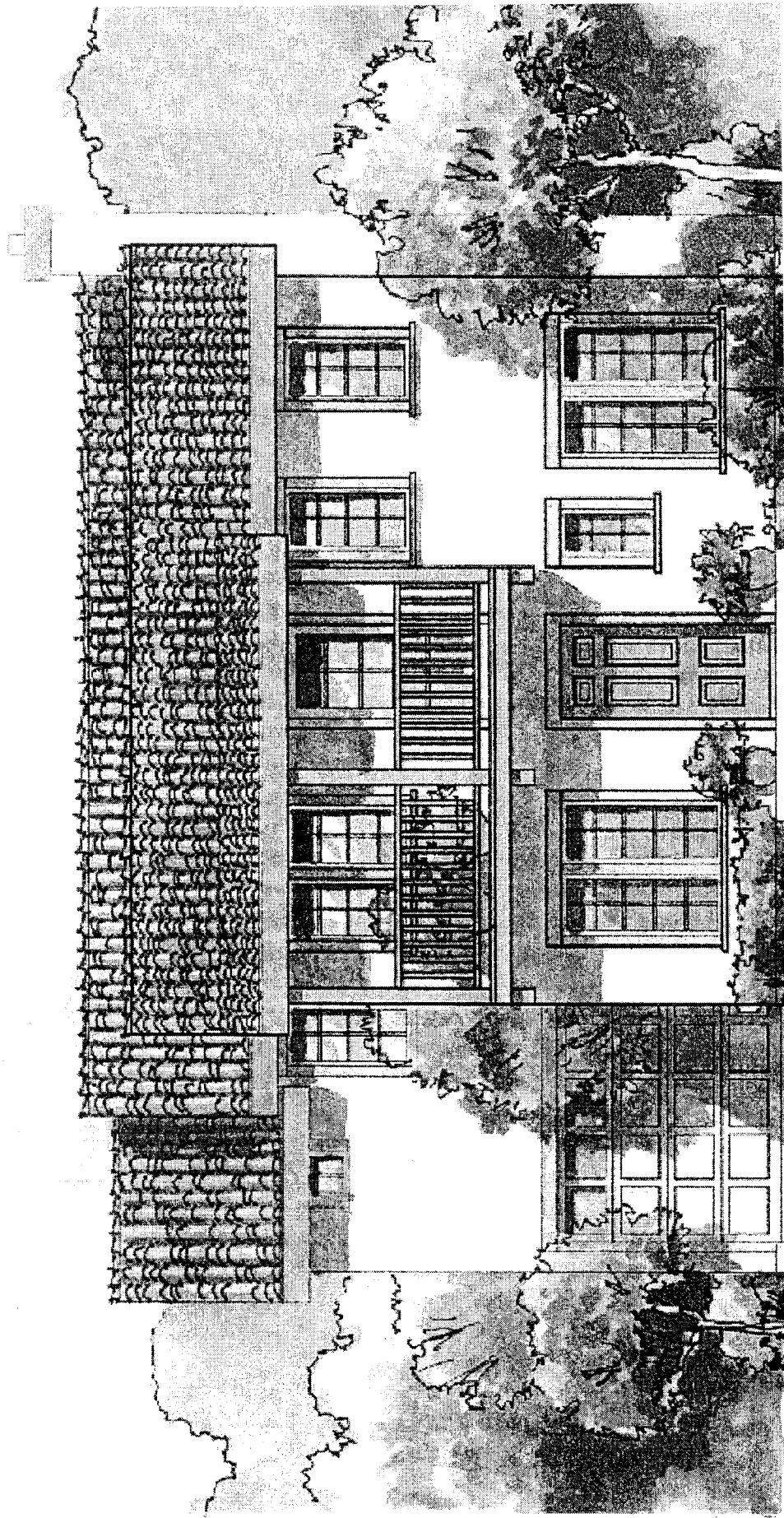
Tract Map
Gray S010354T - TR 2441

EXHIBIT

Plan 1872



2-38



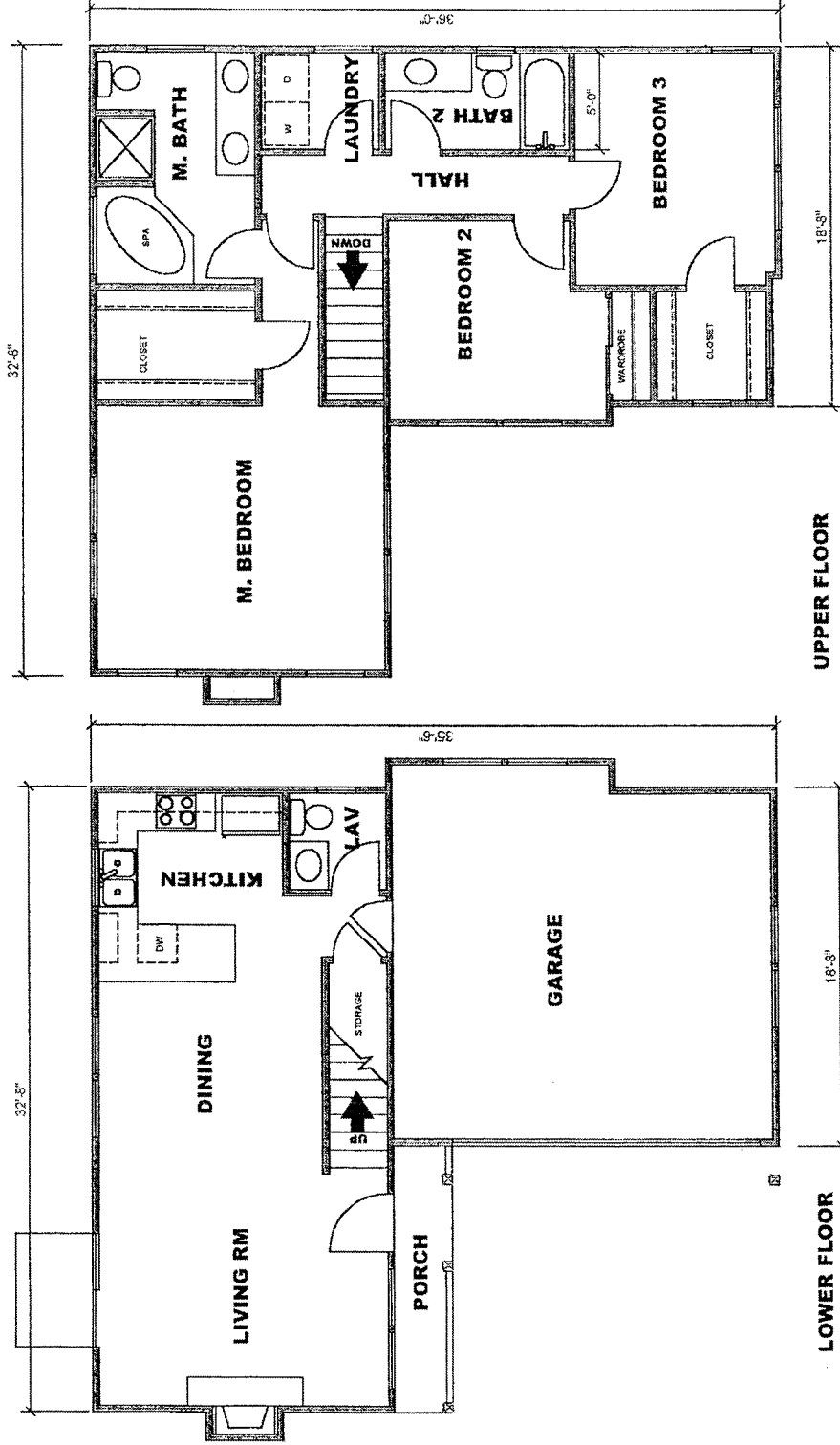
PROJECT

Tract Map
Gray S010354T - TR 2441

EXHIBIT

Plan 1970





FLOOR AREA	
LOWER FLOOR	506 SF
UPPER FLOOR	887 SF
TOTAL AREA	1,403 SF

PROJECT

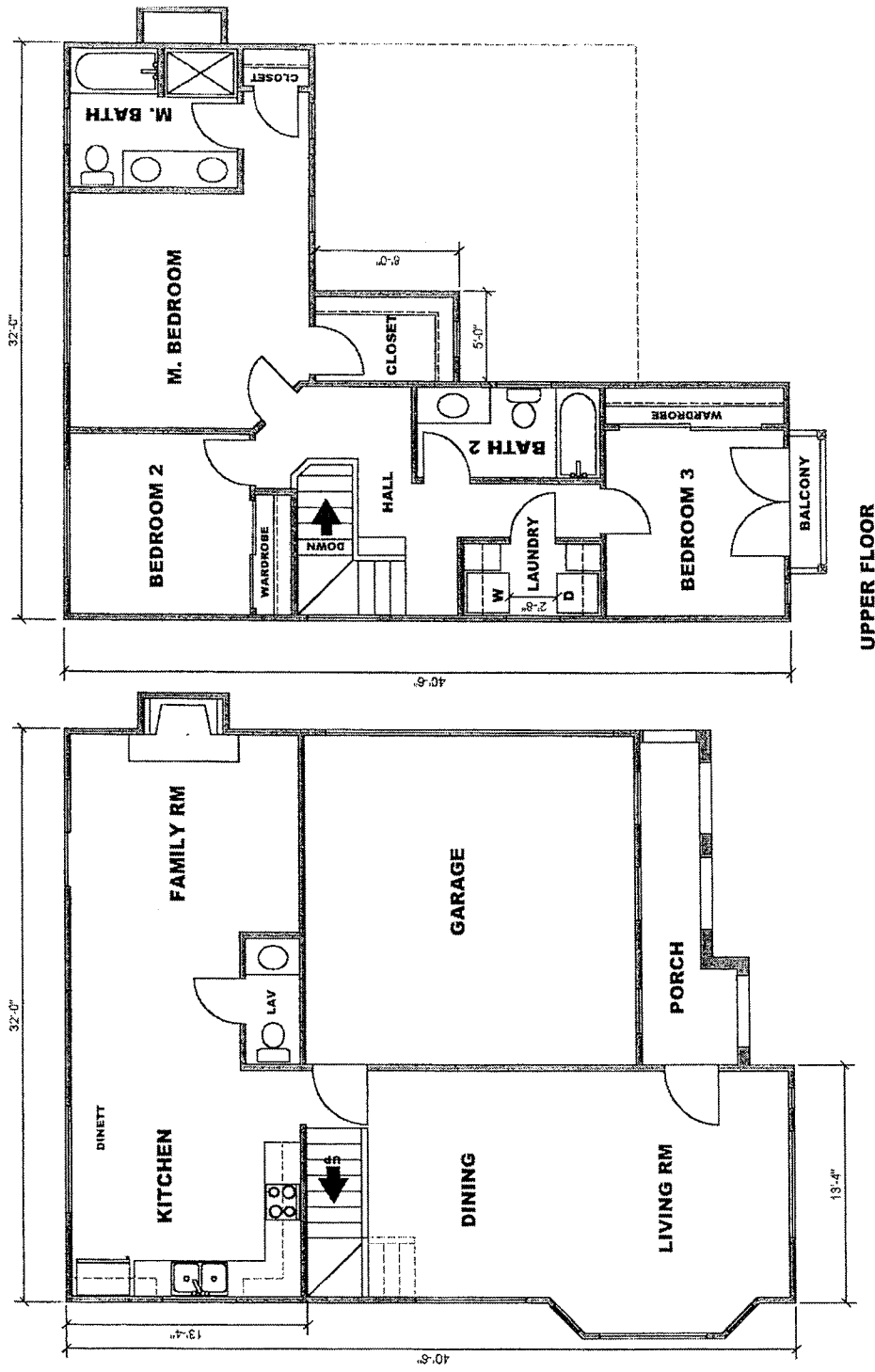
Tract Map
Gray S010354T - TR 2441

EXHIBIT

Floor Plan 1403



2-40



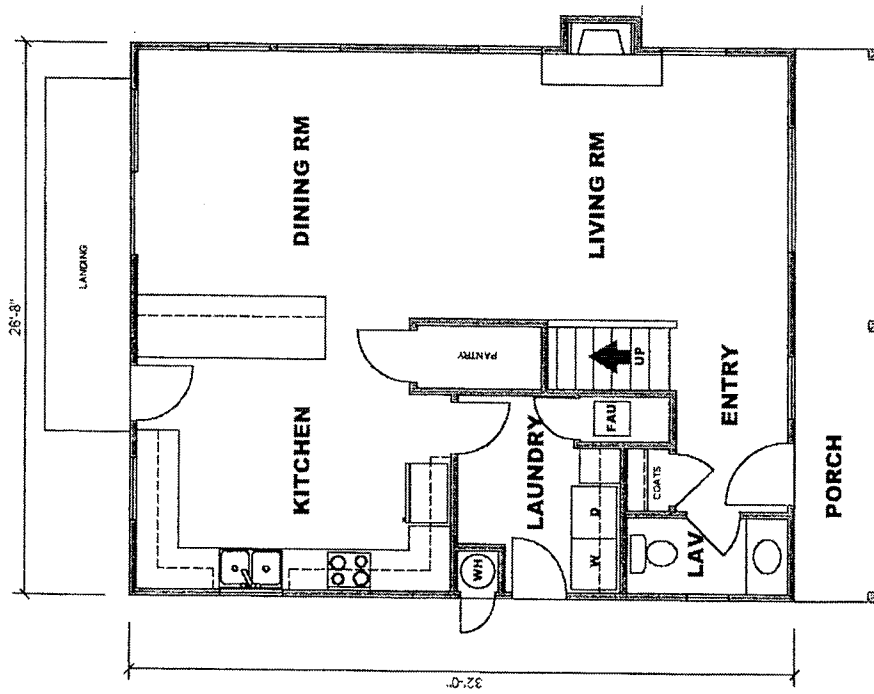
FLOOR AREA	
LOWER FLOOR	800 SF
UPPER FLOOR	841 SF
TOTAL AREA	1650 SF

EXHIBIT Floor Plan 1650



PROJECT Tract Map
Gray S010354T - TR 2441

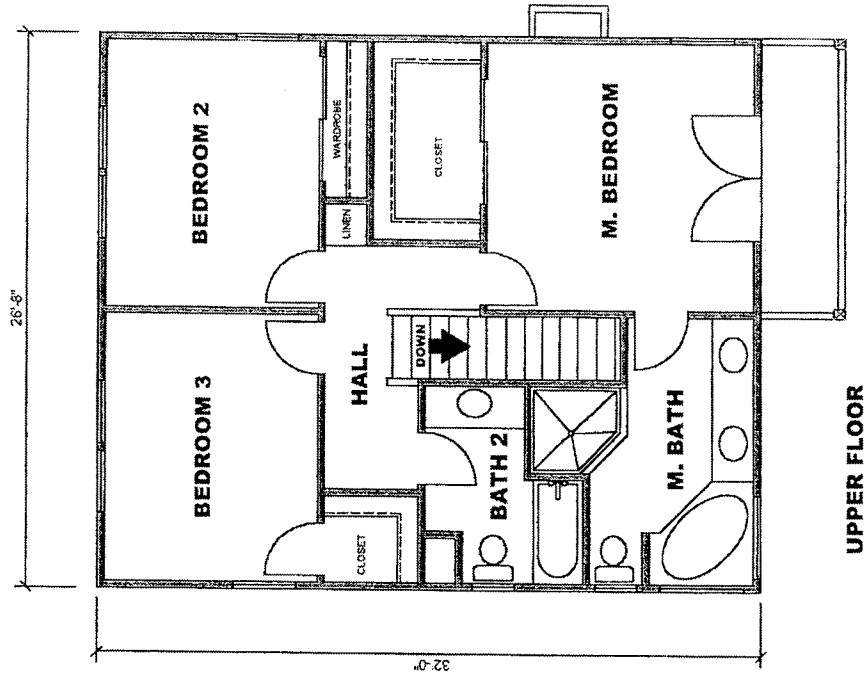
2-41



LOWER FLOOR

PLAN 1706

SCALE: 1/8" = 1'-0"



UPPER FLOOR

FLOOR AREA	
LOWER FLOOR	883 SF
UPPER FLOOR	883 SF
TOTAL AREA	1,766 SF

PROJECT

Tract Map
Gray S010354T - TR 2441

EXHIBIT

Floor Plan 1706



2-42

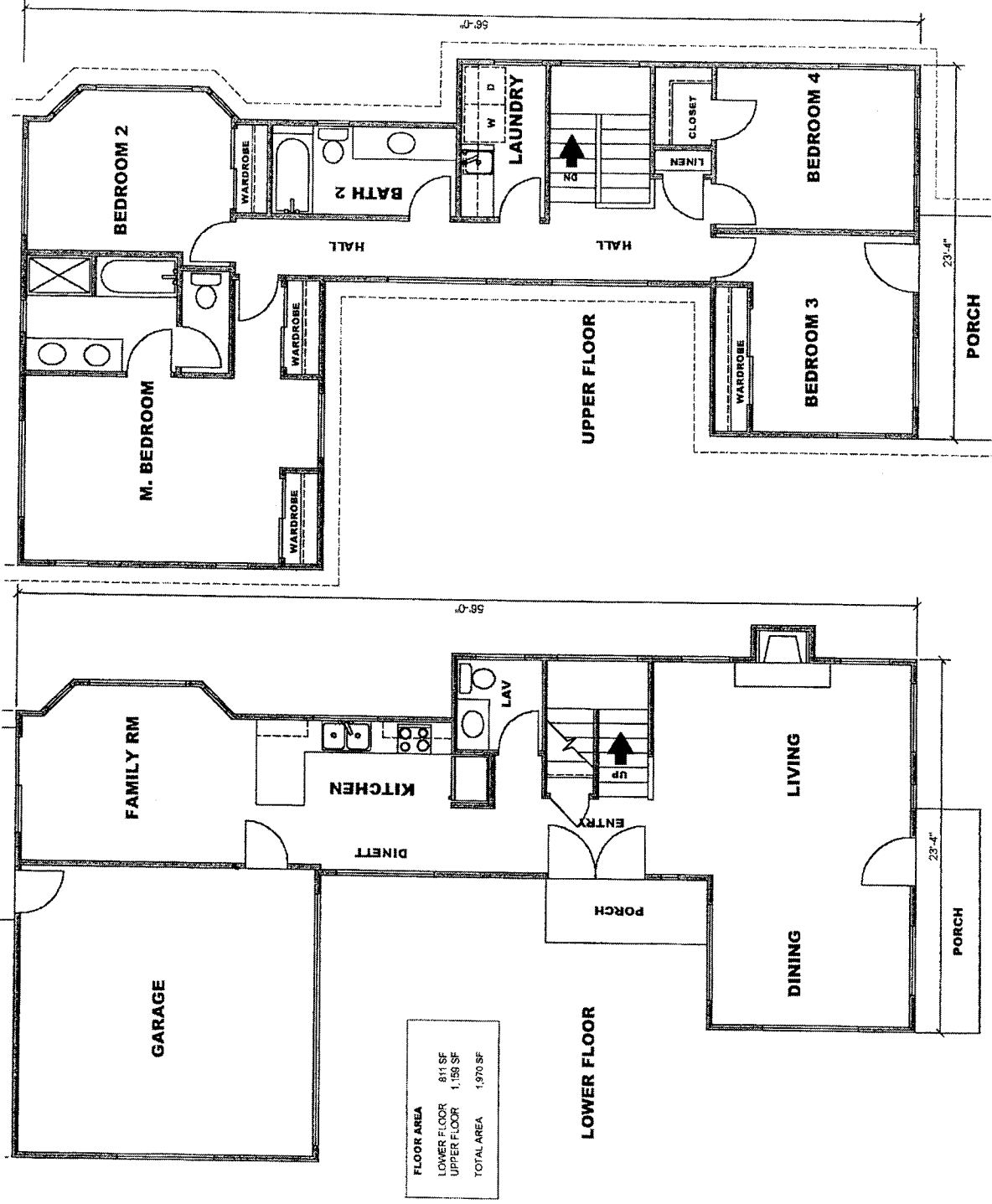


EXHIBIT Floor Plan 1970



PROJECT Tract Map
Gray S010354T - TR 2441

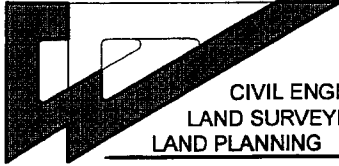
2-43

Attachment A

Applicant's Project Description

2-44

WESTLAND ENGINEERING, INC.



CIVIL ENGINEERING
LAND SURVEYING
LAND PLANNING

3480 Higuera Street, Suite 130 □ San Luis Obispo, CA 93401
Telephone: (805) 541-2394 □ Fax: (805) 541-2439

November 4, 2004

Mr. James Lopes
County Planning Department
County Government Center
San Luis Obispo, CA

RE: DEVELOPERS STATEMENT FOR TRACT 2441.

Dear Mr. Lopes;

Our objective in developing Tract 2441 is to provide comfortable homes for 38 families. Our experience has shown that the great majority of home buyers want a detached house, without common walls, and a private, fenced back yard. We believe that we have accomplished that goal, while complying with the constraints of the required 10 unit per acre density.

Here is a brief summary of the major features of the subdivision:

- The homes are relatively spacious, ranging from 1,403 to 1970 square feet, 3 and 4 bedrooms, and 2 ½ baths. This will accommodate a diverse range of family sizes.
- The 10 units per acre density will result in efficient utilization of the land and will use a minimum of water for irrigation. Other land related costs (yard care, green waste production, fertilizer use, etc.) will also be reduced.
- Construction cost will be less, enabling lower pricing than possible with larger lot sizes.
- The Park is included as a lot in the project. We are using it for pedestrian circulation as well as a passive space. It is shown on the landscaping plan with both trees, shrubbery, picnic table and play equipment.
- The houses have been changed to show varying frontages and garage configurations. The attached plan incorporates the layout that Phil went over with you. You will notice on the elevations we have included porches and articulation for interest. We also have a sidewalk on one side of the street in order to encourage a pedestrian friendly atmosphere. Our Plan also includes varying garage door locations in order to soften the appearance of the project from the streets. Most of our garages no longer front the street, but either are side opening or rear entry.
- We have established a 75 foot setback from Grande Avenue to buffer the houses from the temporary agricultural use on the Southerly side of Grande Avenue. The buffering uses the garages of the homes along with a fence and landscaping that includes heavy use of trees and bushes.

2-45

- On street parking is provided on one side of the street (adjacent to the sidewalk). The interior street parking will allow at least 17 spaces. Together with 76 covered spaces this provides 93 spaces available. This is in excess of 90 spaces listed previously as required.
- We have varied the width of the interior street in order to introduce interest in the streetscape. This also allows additional yard for side yard units. The Street circulation shown on the plan has been reviewed by Public Works as well as reviewed by your department for safety. No direct access is made to Grande, while our access comes off of the extension of a street from the apartment project to the west. Our intent is to create a community feeling for the project.
- Internal Streets have been designed with traffic calming in mind. We have used both horizontal movement of the street as well as changing widths to accomplish this goal. Additionally we have maintained parking on one side, next to the sidewalk. The configuration gives a feeling of pedestrian safety while being a proven method to reduce traffic speed.
- We meet the density, rear and front setbacks as well as the requirement for 10 feet between structures. These items were met while creating interesting units by holding a minimum of 3 feet sideyard setback from property lines; while the units articulate in a manner to insure 10 foot separation between the buildings. We were still able to have a majority of the units maintain a 5 feet sideyard.
- Rear Yards include back patios and landscaping, including at least one tree. The private open space requirement per the ordinance is approximately 400 square feet per unit (based on lot size). Our design has lots with 450 to 700 square feet of private yard.
- The total recreational space is approximately 37,480 square feet: a park (Lot 7) of 2,915 square feet, and an approximate 34570 square feet in the back yard and front yard of the residences. This is 23% of the net project area.

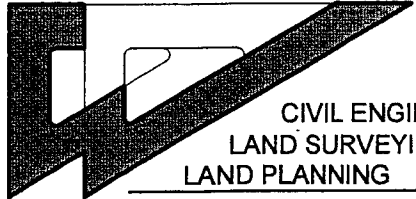
We are asking that the following additions be considered as part of our application for this project in order to complete the items covered in the memorandum.

- Upon approval we will prepare CC&R's which will include;
 limitation of front yard fences,
 water conserving landscaping and irrigation.
- The installation of underground storm water detention. We are proposing using buried storage in order to have the most use of open space and have an attractively landscaped project.

We feel the help you have provided will make this a asset to the community and a successful project.

Sincerely yours,


Terence K. Orton



March 25, 2004
Job No. 00.081

Tract 2441
Blume Street and Grande Avenue

Overall Site Area = 190,096 SF

Total usable site area = 138,009 SF

This Number was obtained using the definition for Site Area, Net shown on page 11-36
Definitions Land Use Ordinance.

The gross area minus any ultimate street rights-of-way and any easements (except open space
easements) that limit the surface use of the site for building construction.

Areas of Right Of Way (figured per Right of Way Requirements for Residential Categories Page 7-60 So Co
Planning Area Standards)

Blume St. & Grande Ave	18,277 SF
"A" Street	12,457 SF
"B" & "C" Streets	<u>21,353 SF</u>
	52,087 SF

net site area (190,096 -52,087=138,009 SF)

Alley Ways	3,419 SF	(not used for net determination)
------------	----------	----------------------------------

2-47

Determining

Density Limitations. Multi-family development is allowable at a base density for areas as shown in figure 7-49 using the medium density criteria in Land Use Ordinance Chapter 22.04 (page 7-72 of the Planning Area Standards)

Intensity Factor – Lowest obtained from any of the following criteria:

Paved Collector or Arterial = High

Community Sewer = High

One mile or less from Central Business District = Medium

* The area plan over rules the general determination and indicates on Page 7-72 that we are to use medium density criteria.

Therefore Density Factor is Medium per Medium Density development

Maximum Floor Area = 48% per Medium Density Development

The gross floor area of all residential structure, including upper stories, but not garages and carports. (per page 4-36 Note 1 – Determining Allowable Density)

Gross Floor Area = 66,325 SF (see attached spreadsheet of units and square footage)
 $66,325 \text{ SF} / 138,009 \text{ net site area} = 48\%$ therefore we meet this requirement

Minimum Open Area = 45% per Medium Density Development

Includes required setbacks, and all areas of the site except buildings and parking spaces.

Footprint Area = 45,296 (lower floor area + garage area - see attached spreadsheet of units and

Paved Alleys = 3,419

$45,296 + 3,419 = 48,715 \text{ SF}$ of Buildings and Paving

(Total usable site area) $138,009 \text{ SF} - 48,715 \text{ SF} = 89,294 \text{ SF} / 138,009 = 65\%$ therefore we exceed this requirement.

2-48
TRACT 2441: KEY TO PLAN AND MODEL STYLES

PLAN NO. = SQ. FT.	REVERSED PLAN?	GARAGE ACCESS	GARAGE LOCATION	MODEL VARIANT	LOT NUMBERS	COLOR CODE
1403						
		Street	Side Entry	A	1, 6	
		Street	Side Entry	B	2	
1650						
		Alley	Side Entry	C	9, 26	
	Reversed	Alley	Side Entry	D	16, 30	
	Reversed	Street	Front Entry	E	3, 5, 17, 27	
		Street	Front Entry	F	4, 29	
	Reversed	Street	Front Entry	G	8, 28	
1706						
		Alley	Rear Entry	H	15, 24	
	Reversed	Alley	Rear Entry	H	23	
		Alley	Rear Garage	H	39	
		Street	Rear Garage	H	36	
		Street	Rear Garage	I	38, 35	
		Street	Rear Garage	J	37	
1872						
		Alley	Side Entry	K	10, 14, 18, 22, 25	
		Alley	Rear Garage	K	32	
		Street	Rear Garage	K	34	
		Street	Rear Garage	L	33	
	Reversed	Alley	Rear Garage	L	31	
1970						
		Street	Attached Rear Gar.	M	11, 21	
		Street	Attached Rear Gar.	N	12, 19	
		Street	Attached Rear Gar.	O	13, 20	

The term "MODEL VARIANT" identifies specific features (such as roof style, porch, elevation details, etc.) that serve to distinguish different models of the same basic plan. Homes within the same Model Variant will have different color schemes.

2-47

TRACT 2441 - HOUSE PLAN, SIZE, AND FOOTPRINT

LOT NO.	PLAN NO. (= Sq. Ft.)	LIVING AREA		GARAGE	FOOTPRINT down+gar
		DOWN	UP		
1	1403	497	906	393	890
2	1403	497	906	393	890
3	1650	809	841	349	1158
4	1650	809	841	349	1158
5	1650	809	841	349	1158
6	1403	497	906	393	890
7	(park)				
8	1650	809	841	349	1158
9	1650	809	841	349	1158
10	1872	936	936	373	1309
11	1970	811	1159	349	1160
12	1970	811	1159	349	1160
13	1970	811	1159	349	1160
14	1872	936	936	373	1309
15	1706	853	853	373	1226
16	1650	809	841	373	1182
17	1650	809	841	349	1158
18	1872	936	936	373	1309
19	1970	811	1159	349	1160
20	1970	811	1159	349	1160
21	1970	811	1159	349	1160
22	1872	936	936	373	1309
23	1706	853	853	400	1253
24	1706	853	853	400	1253
25	1872	936	936	373	1309
26	1650	809	841	373	1182
27	1650	809	841	349	1158
28	1650	809	841	349	1158
29	1650	809	841	349	1159
30	1650	809	841	373	1182
31	1872	936	936	379	1315
32	1872	936	936	379	1315
33	1872	936	936	379	1315
34	1872	936	936	379	1315
35	1706	853	853	379	1232
36	1706	853	853	379	1232
37	1706	853	853	379	1232
38	1706	853	853	379	1232
39	1706	853	853	379	1232
TOTALS	66325	31313	35012	13982	45296

2-50

Mid-State Properties, LLC
1320 Archer Street, San Luis Obispo, CA 93401
(805) 543-1500 - Fax (805) 543-1590
e-mail: pgray@midstate-cal.com

DATE: December 24, 2003 :
MEMO TO: **Jim Lopes**
FROM: Phil Gray
SUBJECT: **Tract 2441, Grande Ave, Nipomo** 00.081
COPIES TO: Terry Orton, David Gray

As agreed during our telephone conversation on November 7th, we are submitting a revised map for subject tract.

Park: You suggested that Lot 7 be the 'park', and that there be pedestrian access to Blume St. Done.

Vary adjoining homes: You suggested that we vary the houses on Lots 1 through 5. Done. We also were able to add an offset to B Street to provide some visual interest. More generally, as shown on the enclosed map, we plan about 16 model variants, and different (but esthetically related) color schemes; the goal is that no two homes will look alike.

Access to Grande: You inquired whether we could provide vehicle access from Grande Ave. To do so would cost us one lot, putting us out of compliance with the 10 unit/acre requirement. It's not needed, and Public Works has said that it would be an un-necessary hazard so close to the Grande/Blume intersection.

Compliance: We've complied with basic planning requirements:

- Minimum density of 10 units per gross acre
- Minimum 15-ft rear yard
- Minimum 10-ft front yard (Although a very few have corner radiuses in part of that area)
- Minimum 10-ft between buildings. (This requirement has caused us to 'nest' some homes, such as Lots 11, 12, and 13, so that the rear can be closer than 5 ft from the property line. Also, this requirement means there's no advantage to using zero lot lines.)
- Minimize garage doors facing the street. There are only 5, and these are scattered, and inset 10 ft from the house front.
- Appearance of a single-family-residence.

Exterior streets: The Grande and Blume elevations will have six levels of detail. Looking in from the curb:

1. A 6-ft parkway, planted with groundcover and street trees.
2. A 4-ft sidewalk.
3. A planting strip 2 ft. wide, with ground cover and vines to protect, soften and climb...
4. A 6-ft wood fence (we prefer wood because it is a softer product than block or steel).
5. A screen of trees, two or three per lot, at the extreme end of each lot. Branches will overhang and soften the fence.
6. The garages that rear on Grande, and the homes that rear on Blume, will have architectural detail to vary and soften their appearance. Roof treatments will vary; windows, shutters, doors, and rear-wall articulation will be provided.

On the corner of Grande and Blume, the planting strip and fence will move inward, leaving room adjacent to the sidewalk for a bench and perhaps a drinking fountain.

If wanted, the sidewalk can gradually curve, varying its distance from curb and property line.

Internal streets: On the internal streets and front yards, we will make liberal use of trees and bushes to soften the street scene and provide shade to encourage outdoor activities. All homes will have front porches. Front-yard fencing will be prohibited, to provide an open street scene, conducive to neighborly conversation.

Rear yards: Each home will have a back patio, and rear-yard trees. This will provide a pleasant atmosphere for outdoor living, and the trees will provide visual screening and privacy between adjacent homes.

Water conservation: Landscaping materials will be selected whenever possible for their water-thriftiness. Irrigation will be provided in the most efficient way (usually drip), and the irrigation controllers will have soil-moisture sensors so they will not run unless water is needed.

Duplexes: Regarding the use of duplexes, they can save some land if the two homes are separated by two pairs of garages. But these would face the street, and this would be esthetically unacceptable. The alternative would be for the two homes to share a common wall, but this is unacceptable to the home-buying public, which wants its privacy. And land savings would not be great, once the requirements for avoiding street-facing garage doors and providing 15-ft rear yards were factored in.

Stormwater detention will be underground.

I hope I've covered the items you wanted. If, I've missed any, please let me know and I'll get you the answers promptly.



2-52

Attachment B

Correspondence

NCAC letter

2-53

NIPOMO COMMUNITY ADVISORY COUNCIL

PO Box 1160, Nipomo, CA 93443-1160

July 23, 2002

Victor Holanda
Director of Planning and Building
SLO County Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

RECEIVED

JUL 25 2002

Planning & Bldg

Re: Gray Trust – 38 Single-Family units on 3.8 acres of RMF zoned property Tract 2441 S010354 in Nipomo

Dear Victor:

The NCAC seeks to achieve sound community planning and development of the Nipomo and Nipomo Mesa area through consideration of social, technological, environmental and political impacts and to advocate measures to promote a safe environment for our citizens and visitors.

Our council strongly opposes the high density housing submitted to us in the Subdivision Map from the Gray Trust.

The map calls for 38 single-family units on 3.8 acres and provides for no recreation or park areas that can be shared by the residents. The nearest park is over a mile away. The average lot size is about 3200 sq feet while the LUO states on page 22.04.28 that 6000 sq foot lots are the minimum size. Even if this is a Cluster Division page 22.04.036 the wording clearly states, "... or vicinity cannot support the number of units resulting from the bonus without significant adverse effects."

Our conclusion is that this area cannot support this "concrete jungle" because there is a significant adverse effect on the families and children that have no place to play or spend leisure time. Consequently, there will be a significant adverse effect on the entire Nipomo community.

Sincerely,



John H. Bowen, Chair

Cc: Chuck Stevenson, Kami Griffin, Terry Orton (Westland Engineering), Supervisor
Katcho Achadjian, Commissioner Gene Mehlschau LA

2-54



COUNTY OF SAN LUIS OBISPO
MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION

FOR OFFICIAL USE ONLY (ji)

ENVIRONMENTAL DETERMINATION NO. ED04-255

DATE: July 28, 2005

PROJECT/ENTITLEMENT: Gray Trust Tract Map and Conditional Use Permit S010354T; TR 2441

APPLICANT NAME: Gray Trust

ADDRESS: 1320 Archer Street San Luis Obispo, CA 93401

CONTACT PERSON: Same as applicant

Telephone: (805) 541-1500

PROPOSED USES/INTENT: Request by the Gray Trust to allow for 1) planned development; 2) to subdivide an approximate 3.8-acre parcel into 39 lots ranging from 2,600 to 5,280 square feet each, and 3) allow for grading and construction of 38 single-family residences, a pocket park, an underground stormwater detention basin, and 3 on-site roads, which will result in the disturbance of the entire parcel. The project includes the creation of three connected streets and off-site road improvements to Grande Avenue and Blume Street. The project site is located within the Residential Multi-Family land use category.

LOCATION: The project is located on the northeast corner of Grande Avenue and Blume Street, in the community of Nipomo.

LEAD AGENCY: County of San Luis Obispo Department of Planning & Building
County Government Center, Rm. 310
San Luis Obispo, CA 93408-2040

OTHER POTENTIAL PERMITTING AGENCIES: Air Pollution Control District
, Regional Water Quality Control Board

ADDITIONAL INFORMATION: Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT5 p.m. on August 11, 2005

30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination

State Clearinghouse No. _____

This is to advise that the San Luis Obispo County _____ as ☐ *Lead Agency*
☐ *Responsible Agency* approved/denied the above described project on _____, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Department of Planning and Building, County of San Luis Obispo,
County Government Center, Room 310, San Luis Obispo, CA 93408-2040

County of San Luis Obispo

Signature

Project Manager Name

Date

Public Agency

2-55

**CALIFORNIA DEPARTMENT OF FISH AND GAME
CERTIFICATE OF FEE EXEMPTION**

De Minimis Impact Finding

PROJECT TITLE & NUMBER: Gray Trust Tract Map and Conditional Use Permit; S010354T

Project Applicant

Name: Gray Trust
Address: 1320 Archer Street
City, State, Zip Code: San Luis Obispo, CA 93401
Telephone #: (805) 541-1500

PROJECT DESCRIPTION/LOCATION: See attached Notice of Determination


FINDINGS OF EXEMPTION:

There is no evidence before this agency that the proposed project has the potential for adverse effect on wildlife resources for one or more of the following reason(s):

- (X) The project is located in an urbanized area that does not contain substantial fish or wildlife resources or their habitat.
- () The project is located in a highly disturbed area that does not contain substantial fish or wildlife resources or their habitat.
- () The project is of a limited size and scope and is not located in close proximity to significant wildlife habitat.
- () The applicable filing fees have/will be collected at the time of issuance of other County approvals for this project. Reference Document Name and No. _____
- () Other: _____

CERTIFICATION:

I hereby certify that the lead agency has made the above findings of fact and that, based upon the initial study and the hearing record, the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.



Ellen Carroll, Environmental Coordinator
County of San Luis Obispo

Date: June 3, 2005

2-56



**COUNTY OF SAN LUIS OBISPO
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST**

Project Title & No. Gray Trust Tract Map & Conditional Use Permit; S010354T Tract 2441

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

<input type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Geology and Soils	<input checked="" type="checkbox"/> Recreation
<input checked="" type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Hazards/Hazardous Materials	<input checked="" type="checkbox"/> Transportation/Circulation
<input checked="" type="checkbox"/> Air Quality	<input checked="" type="checkbox"/> Noise	<input type="checkbox"/> Wastewater
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing	<input checked="" type="checkbox"/> Water
<input type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Public Services/Utilities	<input type="checkbox"/> Land Use

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

MORRO GROUP, INC.
Prepared by (Print)

[Signature]
Signature

05/28/05
Date

John McKenzie
Reviewed by (Print)

[Signature]
Signature

Ellen Carroll,
Environmental Coordinator
(for)

6/1/05
Date

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: Request by the Gray Trust to subdivide an existing 3.8-acre parcel into 39 lots ranging from 2,600 to 5,280 square feet each for the purpose of: 1) sale and/or development; and 2) to construct 38 single-family residences, a pocket park, and an underground stormwater detention basin. The project includes the creation of three connected streets and off-site road improvements to Grande Avenue and Blume Street. The project will result in the disturbance of the entire parcel. The division will create three on-site roads. The project site is located within the Residential Multi-Family land use category and is located on the northeast corner of Grande Avenue and Blume Street, in the community of Nipomo, within the South County (Inland) planning area.

ASSESSOR PARCEL NUMBER: 092-130-049

SUPERVISORIAL DISTRICT # 4

B. EXISTING SETTING

PLANNING AREA: South County (Inland)

LAND USE CATEGORY: Residential Multiple Family

COMBINING DESIGNATION(S): None Applicable

EXISTING USES: Undeveloped

TOPOGRAPHY: Gently sloping

VEGETATION: Grasses, forbs, trees

PARCEL SIZE: 3.8 acres

SURROUNDING LAND USE CATEGORIES AND USES:

<i>North:</i> Residential Multiple Family/ scattered single family residences, livestock	<i>East:</i> Residential Multiple Family/ single family residence
<i>South:</i> Agriculture; Residential Single Family/ flower nursery	<i>West:</i> Residential Multiple Family/ townhouses

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

COUNTY OF SAN LUIS OBISPO INITIAL STUDY CHECKLIST

1.	AESTHETICS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	<i>Create an aesthetically incompatible site open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	<i>Introduce a use within a scenic view open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	<i>Change the visual character of an area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	<i>Create glare or night lighting which may affect surrounding areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	<i>Impact unique geological or physical features?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	<i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The proposed project site is located on the north side of Grande Avenue, and east side of Blume Street in the community of Nipomo. The project site is located approximately .35 mile west of Highway 101. The project site is undeveloped, and supports grasses, forbs, and scattered individual avocado and pepper trees. These trees would be removed prior to construction. Surrounding land uses include townhouses to the west, scattered single-family residences and agricultural accessory uses to the north and east, and a flower nursery to the south. Existing intervening topography, vegetation, and structures located between the project site and the highway would obstruct views of the project site as seen from Highway 101. The project site is visible from Grande Avenue and Blume Street, two-lane local roads.

Impact. The applicant proposes to subdivide the project site into 39 lots for the construction of 38 single-family residences and one park. The proposed two-story residences would range from 1,403 to 1,970 square feet in size, include garages (approximately 350 to 400 square feet in size), and would consist of five different structural configurations, and fifteen varying styles (i.e., roof, porch, elevation, and details). Proposed exterior materials would include a variety of stucco, wood siding, roof shingles or tiles, and exterior colors would include a range of muted, earthtone colors. Proposed landscape plans include a six-foot tall solid wooden fence, dense trees, and shrubs along the southern perimeter of the project site (adjacent to Grande Avenue). Trees, shrubs, and planters would be located along the northern, eastern, and western perimeter of the development, and along the proposed interior roads. At least one tree would be planted in the yards of each residence. One 2,915-square foot pocket park would be located near the corner of Grande Avenue and Blume Street. Exterior lighting would be shielded, as required by Section 22.10.060 of the County Land Use Ordinance.

Future development would be visible and silhouette into the skyline as seen from Grande Avenue and Blume Street. Future development would not be visible from Highway 101 due to existing intervening topography and development. Proposed development would be consistent with the Residential Multiple Family land use category and existing residential land uses to the west, and would not significantly change the visual character of the area.

Mitigation/Conclusion. Based on the location and design of the proposed project, visual impacts would be less than significant, and no mitigation measures are necessary.

2. AGRICULTURAL RESOURCES

- *Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Convert prime agricultural land to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Impair agricultural use of other property or result in conversion to other uses?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Conflict with existing zoning or Williamson Act program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting The proposed project site is located in the Residential Multiple-Family land use category. Based on the Natural Resources Conservation Service (NRCS), the soil type mapped for the project site is Oceano sand (non-irr: IV, irr: IV). The project site is currently undeveloped, and does not support agricultural use. Surrounding land uses include residential development to the west, and residential and accessory agricultural uses to the north and east. A wholesale cut flower nursery operation consisting of greenhouses and an outdoor growing area is located to the south, within the Agriculture land use category.

Impact. Daily operation of the existing agricultural facility results in the generation of dust, noise, and the use of pesticides and farm chemicals. Potential impacts could result from the construction of residential uses in proximity to the existing facility, including increased duty of care and liability, constraints on daily operating procedures, and handle of complaints regarding dust, noise, and chemicals. In addition, the existing facility generates truck traffic on Grande Avenue, which could be affected by increased traffic related to the proposed residential use.

The applicant re-designed the proposed project to minimize the incompatibilities between the existing agricultural facility and proposed residential development including a 75-foot agricultural buffer (for habitable structures), and a multi-layered landscape screen along Grande Avenue. Proposed access into the residential development would be located on proposed "A" Street, along the northern perimeter of the project site. The County Agriculture Department reviewed the revised plan, and did not identify any significant impacts, based on implementation of proposed the fencing and landscape plans (Lynda Auchinachie; December 17, 2004).

Mitigation/Conclusion. In addition to the site design, fencing, and landscape plans discussed above, the applicant would be required to provide future landowners and occupants with a copy of the County Right-to-Farm Ordinance, and disclose information regarding the existing agricultural operations and their hours of operation. Implementation of proposed plans and disclosure of information to future landowners and occupants would minimize the potential for agricultural impacts to less than significant.

3. AIR QUALITY - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project site is located within the South Central Coast Air Basin and is nearest to the Nipomo Ralco Way Air Quality Monitoring Station. Based on the latest air monitoring station information (per the County's RMS annual report, 2004), the trend in air quality in the general area is declining where unacceptable ozone levels were exceeded once in 2003 (up from no exceedances in 2002), and PM₁₀ levels were exceeded four times in 2003 (up from two exceedances in 2002) at the Nipomo monitoring stations.

The Air Pollution Control District (APCD) estimates that automobiles currently generate about 40% of the pollutants responsible for ozone formation. Nitrous oxides (NOx) and reactive organic gasses (ROG) pollutants (vehicle emission components) are common contributors towards this chemical transformation into ozone. Dust, or particulate matter less than ten microns (PM₁₀) that become airborne and which find their way into the lower atmosphere, can act as the catalyst in this chemical transformation to harmful ozone. In part, the land use controls currently in place for new development relating to ROG and NOx (i.e., application of the CEQA Air Quality Handbook) have helped reduce the formation of ozone.

The proposed project site is located in the immediate vicinity of townhouses and scattered single-family residences. Residential areas are sensitive to air pollution, including both construction and operational emissions. Approximately 3.8 acres of site disturbance would occur during grading activities for the construction of the proposed structures, access roads, drainage improvements, and utility installation.

Impact. The proposed project was referred to the County of San Luis Obispo Air Pollution Control District (APCD) for review and determination of any air quality impacts potentially resulting during both the construction and operational phases of the proposed project. The APCD determined that the proposed project would not likely exceed the District's CEQA significance threshold for construction phase emissions; however, grading activities would generate dust. The proposed project would result in the construction of 38 new residences, and would generate approximately 365 daily traffic trips, exceeding Tier 1 significant thresholds for operational emissions. Based on the location of the proposed project within the existing boundaries of the Nipomo Urban Reserve Line, the project is consistent with the Clean Air Plan (Melissa Guise; July 23, 2002).

Fugitive Dust (PM₁₀). Implementation of the proposed project would result in the generation of dust, potentially affecting local residents in close proximity to the project site. Dust complaints could result in violation of the APCD's nuisance rules, a potentially significant air quality impact. In addition, construction of the proposed project would contribute to the cumulative generation of PM₁₀ in the Nipomo area.

Asbestos Containing Material. Implementation of the proposed project may require the demolition and disposal of utility or pipelines, which may contain asbestos.

Operational Phase Emissions. APCD determined that the proposed residential and commercial development would likely exceed the Tier I significance thresholds of 10 lbs/day for NOX and ROG.

In 1994, the South County Area Plan was adopted and associated EIR certified. As a part of that analysis, a cumulative assessment of the build-out impacts of the planning area was completed, which included the ultimate breakdown of the subject property as is currently proposed. While cumulative impacts to air quality was identified in the EIR as potentially significant and unavoidable, the findings recognized that the existing cumulative air quality mitigation program, combined with a slight improvement over the previous Area Plan build-out would offset some of these impacts.

Each new residence(s) will be subject to the South County Air Quality Mitigation fee, which is intended to partially mitigate the cumulative effects of new residential development within the South County planning area. This program funds several strategies within the South County to improve air quality and reduce single-occupant vehicles, by: attracting transit ridership through regional bus stop improvements; encouraging carpooling through park-and-ride lot improvements and ridesharing advertising; promoting the use of bicycles through bike lane installation; reducing dust through limited road paving of several unpaved roads; and by providing electronic information/services locally to reduce vehicle trip lengths.

Mitigation/Conclusion.

Fugitive Dust (PM₁₀). To minimize nuisance dust impacts, the applicant is required to implement APCD fugitive dust mitigation measures including reducing the amount of disturbed area where possible, the use of water trucks or sprinkler systems to water down airborne dust, daily spraying of dirt stock-pile areas, paving of applicable surfaces as soon as possible after grading, laying of building pads as soon as possible (refer to Exhibit B for a complete list of mitigation measures). In addition, only APCD-approved wood burning devices may be installed in the proposed residences.

Asbestos Containing Material. In the event the demolition and disposal of utility or pipelines is required, the applicant shall contact the APCD and comply with the National Emission Standard for Hazardous Air Pollutants (NESHAP).

Operational Phase Emissions. To mitigate for the anticipated generation of NOX and ROG exceeding APCD thresholds, the applicant has included sidewalks in the proposed development, and shall incorporate standard APCD mitigation measures including: increasing wall and attic insulation beyond Title 24 requirements, use of energy-efficient materials, appliances, and lighting, install outdoor electrical outlets, and install high efficiency or solar power water heaters.

Implementation of the mitigation measures described above and listed in Exhibit B would mitigate all identified air quality impacts to levels of insignificance.

4. BIOLOGICAL RESOURCES - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in a loss of unique or special status species or their habitats?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Reduce the extent, diversity or quality of native or other important vegetation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Impact wetland or riparian habitat?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Introduce barriers to movement of resident or migratory fish or wildlife species, or factors which could hinder the normal activities of wildlife?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The proposed project site is an undeveloped parcel adjacent to residential development and an agricultural operation. Vegetation on the project site consists of grasses, forbs, shrubs, and scattered avocado and pepper trees. Based on the California Natural Diversity Database (2005) Sand Mesa manzanita (*Arctostaphylos rudis*), is documented in the vicinity of the project site. Sand Mesa manzanita is a California Native Plant Society (CNPS) List 1B (rare, threatened, or endangered in California and elsewhere) evergreen shrub. No individuals of this species were observed onsite. The project site is located within vernal pool habitat region; however, no evidence of vernal pools or areas of standing water were observed onsite.

Impact. The project site does not support any sensitive native vegetation, significant wildlife habitats, or special status species and no significant biological impacts are expected to occur.

Mitigation/Conclusion. Based on the above discussion and absence of sensitive species or habitats, no impacts to biological resources are anticipated and no mitigation measures are necessary.

5. CULTURAL RESOURCES - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Disturb pre-historic resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Disturb historic resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Disturb paleontological resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The project site is located in an area historically occupied by the Obispeno Chumash. The applicant submitted a *Phase I Archaeological Surface Survey at Tract 2441* (Thor Conway, Heritage Discoveries, Inc.; March 16, 2005) report including the results of a regional records search and field survey of the project site. Both prehistoric and historic cultural resources are known to exist in the Nipomo area. No archeological resources were identified during the surface survey and

no further investigation is required. No historic structures are present and no paleontological resources are known to exist in the area.

Mitigation/Conclusion. Based on the lack of findings on the project site, it is unlikely that cultural resources are present. In the event cultural resources are discovered during construction, all work in the area shall cease and the contractor shall contact the appropriate authorities, as required by Section 22.10.040 of the County Land Use Ordinance. No additional mitigation measures are necessary.

6. GEOLOGY AND SOILS -
Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a CA Dept. of Mines & Geology Earthquake Fault Zone (formerly Alquist Priolo)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting.

Geology. The topography of the project site is nearly level. The area proposed for development is outside of the Geologic Study Area designation. The liquefaction potential is moderate. The landslide potential is low. The project site is located in the regional vicinity of the Wilmar fault lines, which is potentially active. The project is not located within a known area containing serpentine or ultramafic rock or soils. There is no evidence that measures above what would already be required by ordinance or code are necessary.

Drainage. The area proposed for development is outside the 100-year Flood Hazard designation. The closest source of surface water from the proposed development is Nipomo Creek, located approximately 0.5 mile to the east. As described in the NRCS Soil Survey, the soil is considered well drained. The proposed drainage system would consist of an underground 38,0202-cubic foot Stormtrap precast modular storm water detention system, to be located under an internal street. The size of the proposed basin was determined based on the *Preliminary Ponding Calculations for Tract 2441* (Westland Engineering; March 2005). There is no evidence that measures above what would already be required by ordinance or code are needed.

Sedimentation and Erosion. The soil type mapped for the project site is Oceano sand (0-9% slope). As described in the NRCS Soil Survey, the soil has a high erodibility and low shrink swell characteristics. Implementation of the proposed project would result in the disturbance of 3.8 acres.

The Clean Water Act has established a regulatory system for the management of storm water discharges from construction, industrial and municipal sources. The California State Water Resources Control Board (SWRCB) has adopted a National Pollution Discharge Elimination System (NPDES) Storm Water General Permit, which requires the implementation of a Storm Water Pollution Prevention Plan (SWPPP) for discharges regulated under the SWRCB program. Currently, construction sites of one acre and greater may need to prepare and implement a SWPPP that focuses on controlling storm water runoff. Municipal and industrial sources are also regulated under separate NPDES general permits. The Regional Water Quality Control Board is the local extension of the SWRCB, who currently monitors these SWPPPs.

Impact. Grading for and construction of the proposed project would create exposed graded areas subject to increased soil erosion and down-gradient sedimentation. Total grading activities and site disturbance would be approximately 3.8 acres for the proposed project, and would be subject to the NPDES program.

Mitigation/Conclusion. Pursuant to Clean Water Act regulations, the applicant is required to prepare and implement a SWPPP during construction, and prepare and implement a county sedimentation and erosion control plan to minimize off-site sedimentation and erosion impacts. Based on the above discussion and implementation of a SWPPP, geology and soils impacts would be mitigated to insignificance and no further measures are required.

7. HAZARDS & HAZARDOUS MATERIALS - Will the project:

a) **Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?**

Potentially Significant

☐

Impact can & will be mitigated

☐

Insignificant Impact

☒

Not Applicable

☐

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7. HAZARDS & HAZARDOUS MATERIALS - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) <i>Interfere with an emergency response or evacuation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to safety risk associated with airport flight pattern?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Increase fire hazard risk or expose people or structures to high fire hazard conditions?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Create any other health hazard or potential hazard?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The project site is not located in an area of known hazardous material contamination. The project is within a moderate severity risk area for fire. The proposed project is located within the State Responsibility Area for wildland fires and was referred to the California Department of Forestry (CDF)/County Fire Department. No significant fire safety concerns were identified (Gilbert Portillo; July 17, 2002). The project is not within the Airport Review area. The project does not propose the use of hazardous materials. The project does not present a significant fire safety risk. The project is not expected to conflict with any regional evacuation plan.

Mitigation/Conclusion. Pursuant to State Fire Code, standard fire safety measures would be required for future development, such as adequate water supply connection, access road and driveway standards, and fuel modification. Implementation of standard requirements would minimize potential fire risk to less than significant and no additional mitigation measures are necessary.

8. NOISE - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Expose people to noise levels which exceed the County Noise Element thresholds?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Generate increases in the ambient noise levels for adjoining areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to severe noise or vibration?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting.

Noise Exposure. The proposed project site is located immediately adjacent to Grande Avenue and Blume Street. Based on noise contour data presented in the County Noise Element, the project site is located outside of the 60 Ldn noise contour line. Grande Avenue generates minimal noise in the area. The agricultural operation located to the south generates some noise, which would affect proposed residential development.

Noise Generation. Implementation of the proposed project would generate approximately 365 daily traffic trips, which would contribute to the cumulative generation of transportation-related noise. The amount of additional transportation-related noise generated by the proposed project would not be cumulatively considerable, and would not result in a significant impact.

Impact. The existing agricultural operation to the south, a wholesale cut flower nursery, includes both greenhouse and outdoor growing areas. The facility generates noise periodically, including use of machinery, truck loading and unloading activities, and the use of heating fans during winter months. The applicant proposes to construct a six-foot tall solid wood fence, and include a 75-foot buffer on the project site, which would result in a 100-foot buffer from the property line of the agricultural operation, a 145 to 150 foot buffer from the agricultural operation, and a 350-foot buffer from the truck loading and off-loading area. In addition, the applicant is required to provide a disclosure to all future landowners and occupants regarding the operational hours and activities of the agricultural facility prior to sale (refer to Section 2).

Mitigation/Conclusion. Based on implementation of the proposed 75-foot agricultural buffer, construction of a six-foot tall solid wood fence, and disclosure of the facility's operational hours, noise impacts would be less than significant, and no additional mitigation measures are required.

9. POPULATION/HOUSING - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Use substantial amount of fuel or energy?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The project will not result in a need for a significant amount of new housing, and will not displace existing housing. In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county. Title 18 of the County Code (Public Facilities Fees) requires that an affordable housing mitigation fee be imposed as a condition of approval of any new residential development project.

Mitigation/Conclusion. The proposed project does not include specifically identified affordable housing; however, the smaller lot and home size will likely result in less expensive homes when compared to other single family homes on larger lots. Prior to map recordation, the applicant is required to pay an affordable housing mitigation fee of 3.5 percent of the adopted Public Facility Fee. This fee will not apply to any county-recognized affordable housing included within the project. No

significant population and housing impacts are anticipated, and no additional mitigation measures are necessary.

10. PUBLIC SERVICES/UTILITIES

- Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Fire protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Police protection (e.g., Sheriff, CHP)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Roads?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Solid Wastes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The project area is served by the County Sheriff's Department and CDF/County Fire as the primary emergency responders. The closest CDF fire station (Nipomo CDF Station 20) is located approximately 1.5 miles to the east. The closest Sheriff substation is in Oceano, which is approximately ten miles from the proposed project. The project is located in the Lucia Mar Unified School District. The project direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the fees in place.

Mitigation/Conclusion. This project, along with numerous others in the area will have a cumulative effect on police and fire protection, roads, and schools. Public facility (county) and school (State Government Code 65995 et seq) fee programs have been adopted to address this impact and will reduce the cumulative impact to a level of insignificance.

11. RECREATION - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase the use or demand for parks or other recreation opportunities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Affect the access to trails, parks or other recreation opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The County Trails Plan does not show a future trail on the proposed project site. The proposed project was referred to the County Department of General Services Parks Division for review. The Parks Division did not identify any project-specific potentially significant impacts. Implementation of the proposed residential development would contribute to the cumulative demand for recreational resources in San Luis Obispo County.

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Mitigation/Conclusion. To offset the cumulative demand for recreational resources, the applicant is required to construct a detached trail along Grande Avenue, and Quimby and Building Division fees (Jan Di Leo; November 30, 2004). The applicant is proposing a 2,915-square foot park near the intersection of Grande Avenue and Blume Street, and may be eligible for a 50 percent Quimby credit, pursuant to further review by the County Parks Division. No additional mitigation measures are necessary.

**12. TRANSPORTATION/
CIRCULATION - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce existing "Levels of Service" on public roadway(s)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in inadequate parking capacity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Result in inadequate internal traffic circulation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Result in a change in air traffic patterns that may result in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The proposed project site would be accessed directly from "A" Street, which connects to Blume Street at the northwest corner of the project site. Blume Street is accessed from Grande Avenue, which is located along the southern perimeter of the project site. Blume Street and Grande Avenue are two-lane local roads that provide access to residential and agricultural development in the immediate area. Highway 101 is located approximately 0.35 mile to the east. Primary access to Highway 101 is Tefft Street, which is located approximately .25 mile north of the project site. Tefft Street is an arterial that extends from Orchard Road to the west, crosses through the Highway 101 interchange, and continues east past the Nipomo URL limits.

Impact. The applicant proposes to construct one new road ("A" Street) along the northern perimeter of the project site, and two new internal roads within the subdivision ("B" Street and "C" Street). Each new residence would include a two-car garage for parking, in addition to on street parking (17 spaces). The total parking capacity of the development is 93 spaces. The proposed project was referred to the

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Public Works Department for review. The Department did not identify any significant impacts associated with the design of the proposed project (Mike Goodwin; November 30, 2004).

Implementation of the proposed project would generate approximately 365 daily traffic trips, including approximately 30 A.M. peak hour trips and 37 P.M. peak hour trips. All existing roadways and intersections affected by the proposed project are currently operating at acceptable levels of service (LOS) for urban roadways. The Public Works Department reviewed the proposed development, and determined that no project-specific traffic impacts would occur.

The Highway 101 and Tefft Street intersection is currently operating at LOS D, which is acceptable for urban intersections (Richard Marshall April 8, 2005). The Public Works Department is currently consulting with the California Department of Transportation (Caltrans) regarding future improvements to the Highway 101 and Tefft Street interchange. The continued development of Nipomo, including the proposed project, would increase the traffic demands on West Tefft Street, and the Highway 101 and Tefft Street interchange. Based on consultation with the Public Works Department, the Level of Service at the interchange would decrease to LOS F under the cumulative build-out scenario. The County has developed the South County Road Fee Program to collect fees to be used towards road improvement projects within Nipomo and South County, including future improvements to the Highway 101 and Tefft Street interchange.

Mitigation/Conclusion. The proposed project is located within the Area 1 of the South County Fee Area. Prior to issuance of permits for future land uses on the project site, the applicant would be required to contribute to the fee program. The fees contributed to this program would partially finance the implementation of improvements to the Highway 101 and Tefft Street interchange, and mitigate cumulative impacts resulting from future development. Implementation of this measure would mitigate potential impacts to less than significant, and no additional mitigation measures are required.

13. WASTEWATER - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Adversely affect community wastewater service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The NCSD issued a preliminary will-serve letter for wastewater disposal for the project (Doug Jones; August 28, 2003). The NCSD operates two sewage treatment plants, the Southland Wastewater Works and the Black Lake Wastewater Works. The Southland facility serves the main community, including the proposed project site. Based on the County *Annual Resource Summary Report* (2004), the Southland facility was at 47.4 percent capacity in 2003, based on a served population of 7,810. The facility would reach capacity at a population of 16,477. Implementation of the proposed project would not significantly affect the capacity of the facility. The proposed project was also referred to the Environmental Health Division, and no significant concerns were identified (Laurie Salo; July 5, 2002).

Mitigation/Conclusion. The NCSD issued a preliminary intent-to-serve letter for sewer services. A final will-serve letter from the District would be required prior to recordation of the final map. No additional measures are necessary.

14. WATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate any water quality standards?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Change the quantity or movement of available surface or ground water?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Adversely affect community water service provider?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact.

Surface Water. The proposed project site is not located near any sources of surface water. The topography of the site is nearly level to gently sloping. Standard drainage and erosion control measures and preparation of a SWPPP (refer to Section 6) would be required for the proposed project and would provide sufficient measures to adequately protect surface water quality. No additional measures are considered necessary for surface water impacts and potential water quality impacts are either insignificant or will be reduced to less than significant levels.

Water Usage. The project proposes to use the NCSD as its water source. The NCSD issued a preliminary will-serve letter for the proposed project (Doug Jones; August 28, 2003). The Environmental Health Division has reviewed the project and did not identify any concerns (Laurie A. Salo; July 5, 2005). The NCSD pumps water from the Santa Maria groundwater basin, which is made up of three interconnected sub areas (Tri-Cities, Nipomo Mesa, Santa Maria).

Based on the most recent comprehensive study completed for this basin (State Department of Water Resources, "Water Resources of the Arroyo Grande-Nipomo Mesa Area", 2002), while extractions will increase above current levels over the next twenty years, the study concludes that "Supplies appear adequate to meet water demands through water year 2020". However, the study recognizes that there is a sizeable local pumping depression on the Nipomo Mesa that has changed the dynamics of flow between two sub areas (Santa Maria, Nipomo Mesa). The study warns that seawater intrusion could result from this existing pumping depression if water management practices are not changed in the future and this depression continues to grow. Also, due mainly to the absence of current evidence of seawater intrusion, DWR concludes that the basin is not in a state of overdraft. The report does recommend a number of measures to improve monitoring of the basin as well as increase the use of recycled water.

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On November 2, 2004, the Board of Supervisors certified RMS Level of Severity 2 for water supply in the Nipomo Mesa area, defined as the area subject to the 2.3% growth limit, as depicted in the Growth Management Ordinance.

Effective immediately, the County Flood Control and Water Conservation District will implement improved well monitoring and water quality monitoring programs for this area. Water purveyors in the Nipomo Mesa area are encouraged to strengthen their water conservation programs, increase their use of reclaimed water and continue their efforts to secure supplemental water. Also effective immediately, building permits must include the full range of water conservation measures, including: low water-use toilets, showerhead, faucets; low water-use clothes washers; automatic shut-off devices for bathroom and kitchen faucets; point-of-use supplemental water heater systems in bathrooms and kitchen, or circulating hot water systems; low water-use landscape; limited landscape areas; limited turf areas; low water-use plant materials; soil moisture sensors; drip irrigation systems; and separate meters for outdoor water use.

The Board of Supervisors also directed staff to process a general plan amendment (planning area standard) that would expand the application of landscape standards in the LUO (Sec. 22.16.020) for projects in the area subject to the 2.3% growth limit. Low water-use landscapes will now be required for all developer-installed landscapes on parcels of 5 acres or less in any land use category. In an effort to monitor the effectiveness of these water conservation measures, each annual update of the Growth Management Ordinance will include data to indicate if the water use rate per dwelling unit is trending downward. If progress toward water conservation targets is not evident, further growth limitations will be recommended.

Mitigation/Conclusion. To conserve water, the project will be subject to the County's Title 19 (Building and Construction Ordinance, Sec. 19.20.240) in addition to the measures described above. The ordinance requires the following water-conserving fixtures for domestic use: toilets limited to 1.6 gallons/flush; showerheads and faucets limited to 2.75 gallons/ minute; spas and hot tubs shall use re-circulating systems; and water supply piping shall be installed so each dwelling unit may be served by a separate water meter. Based on implementation of required water conservation measures, water impacts would be reduced to insignificance and no further measures are necessary.

15. LAND USE - Will the project:	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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15. LAND USE - Will the project:

Inconsistent

Potentially
Inconsistent

Consistent

Not
Applicable

e) Other _____

☐
☐
☐
☐

Setting/Impact. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, South County Inland Area Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CDF for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used). The project site is not within or adjacent to a Habitat Conservation Plan area. The proposed project is consistent with existing land uses because it is a residential project, adjacent to existing residential land uses. Potential conflicts with the agricultural use to the south would be mitigated by project design and disclosure of information regarding the existing facility.

Mitigation/Conclusion. No inconsistencies were identified and therefore no additional measures above what will already be required was determined necessary.

16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:

Potentially
Significant

Impact can
& will be
mitigated

Insignificant
Impact

Not
Applicable

- a) *Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*
- b) *Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)*
- c) *Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

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For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Review", or the California Environmental Resources Evaluation System at "http://ceres.ca.gov/topic/env_law/ ceqa/ guidelines/" for information about the California Environmental Quality Act.

Exhibit A - Initial Study References and Agency Contacts

The County Planning or Environmental Division has contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with a ☒) and when a response was made, it is either attached or in the application file:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
☒	County Public Works Department	Attached
☒	County Environmental Health Division	Attached
☒	County Agricultural Commissioner's Office	Attached
☒	County Parks and Recreation Division	Attached
☒	County Assessor Department	No Response
☒	Air Pollution Control District	Attached
☒	CA Department of Forestry	Attached
☒	Public Utility Companies	In File**
☒	Nipomo Community Advisory Council	Attached
☒	Nipomo Community Services District	Attached

** "No comment" or "No concerns"-type responses are usually not attached

The following checked (☒) reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

☒ Project File for the Subject Application	☒ South County Area Plan and Update EIR
<u>County documents</u>	☒ South County Circulation Study
☐ Airport Land Use Plans	<u>Other documents</u>
☒ Annual Resource Summary Report	☒ Archaeological Resources Map
☒ Building and Construction Ordinance	☒ Area of Critical Concerns Map
☐ Coastal Policies	☒ Areas of Special Biological Importance Map
☒ Framework for Planning (Coastal & Inland)	☒ California Natural Species Diversity Database
☒ General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:	☒ Clean Air Plan
☒ Agriculture & Open Space Element	☒ Fire Hazard Severity Map
☒ Energy Element	☒ Flood Hazard Maps
☒ Environment Plan (Conservation, Historic and Esthetic Elements)	☒ Natural Resources Conservation Service Soil Survey for SLO County
☒ Housing Element	☒ Regional Transportation Plan
☒ Noise Element	☒ Uniform Fire Code
☒ Parks & Recreation Element	☒ Water Quality Control Plan (Central Coast Basin – Region 3)
☒ Safety Element	☒ GIS mapping layers (e.g., habitat, streams, contours, etc.)
☒ Land Use Ordinance	
☒ Real Property Division Ordinance	
☒ Trails Plan	
☐ Solid Waste Management Plan	

In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

Thor Conway, Heritage Discoveries, Inc. March 16, 2005. *Phase I Archaeological Surface Survey at Tract 2441.*

Westland Engineering. March 2005. *Preliminary Ponding Calculations for Tract 2441.*

Exhibit B - Mitigation Summary Table**Agricultural Resources**

AG-1 Prior to sale of each lot, the applicant shall provide future landowners and occupants a copy of the County Right-to-Farm Ordinance, and disclosure documents describing the existing agricultural operations in the vicinity, including hours of operation.

Air Quality

AQ-1 During construction/ground disturbing activities, the applicant shall implement the following particulate (dust) control measures. All PM₁₀ mitigation measures required shall be shown on grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to land use clearance for map recordation and land use clearance for finish grading of the structure.

- a. Reduce the amount of disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
- c. All dirt stock-pile areas should be sprayed daily as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating native grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- g. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speeds for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
- j. Wheel washers shall be installed where vehicles enter and exit unpaved roads onto streets, or trucks and equipment leaving the site shall be washed off;
- k. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads, and water sweepers with reclaimed water shall be used where feasible.

AQ-2 Prior to issuance of building permits for individual lot development, in the instance where wood burning stoves are proposed, the applicant shall submit building plans showing the use of APCD-approved wood burning devices limited to the following:

- a. Must comply with EPA-Certified Phase II wood burning devices;
- b. Catalytic wood burning devices that emit less than or equal to 4.1 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;

- c. Non-catalytic wood burning devices that limit less than or equal to 7.5 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- d. Pellet-fueled woodheaters, or;
- e. Dedicated gas-fired fireplaces.

AQ-3 Prior to issuance of grading and construction permits or tract improvement plans, the applicant shall ensure that portable engines and potable equipment are registered in the statewide portable equipment registration program, or a permit to operate shall be obtained from the APCD prior to the start of construction.

AQ-4 If demolition of underground utilities or pipes is required, the applicant shall contact the APCD and comply with the requirements listed in the National Emission Standard for Hazardous Air Pollutants (NESHAP). These requirements include, but are not limited to: 1) notification requirements to the APCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and 3) applicable removal and disposal requirements of identified asbestos containing material (ASM).

AQ-5 Prior to issuance of construction permit for each residence, the following measures shall be incorporated into the project:

- a. Increase walls and attic insulation beyond Title 24 requirements.
- b. Orient buildings to maximize natural heating and cooling.
- c. Plant shade trees along southern exposures of buildings to reduce summer cooling needs.
- d. Use built-in energy efficient appliances.
- e. Use double-paned windows.
- f. Use energy efficient indoor and outdoor lights.
- g. Provide outdoor electrical outlets to encourage the use of electric appliances and tools.
- h. Use high efficiency or solar water heaters.

Geology and Soils

GS-1 Prior to issuance of grading permit or tract improvement plans, the applicant shall submit a copy of the Storm Water Pollution Prevention Plan submitted to the State Water Resources Control Board. The plan shall be implemented prior to, during, and immediately following grading activities.

Recreation

R-1 Prior to recordation of the final map, upon submittal of tract improvement plans, the applicant shall submit plans for a detached trail along Grande Avenue. This trail shall be constructed to A-1(x) standards, for the review and approval by the County Parks Division. The trail shall be constructed prior to final inspection of tract improvements.

R-2 Prior to recordation of final map, the applicant shall pay all applicable Quimby and Building Division Fees.

Wastewater

WW-1 Prior to recordation of the final map, the applicant shall submit a final "will-serve" letter from the Nipomo Community Services District to the Department of Environmental Health.

Water

- W-1 Prior to issuance of building permits for each residence**, construction plans must include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.
- W-2 Prior to final inspection**, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to ½" diameter). **Prior to permit issuance**, the measure(s) to be used shall be shown on all applicable plumbing plans.
- W-3 Prior to recordation of the final map**, the applicant shall submit a final "will-serve" letter from the Nipomo Community Services District to the Environmental Health Division.

**DEVELOPER'S STATEMENT FOR THE
GRAY TRACT MAP AND CONDITIONAL USE PERMIT
S010354T; TRACT 2441**

The applicant agrees to incorporate the following measures into the project. These measures become a part to the project description and therefore become a part of the record of action upon which the environmental determination is based. All construction/grading activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

Note: The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

AGRICULTURAL RESOURCES

AG-1 Prior to sale of each lot, the applicant shall provide future landowners and occupants a copy of the County Right-to-Farm Ordinance, and disclosure documents describing the existing agricultural operations in the vicinity, including hours of operation.

Monitoring: The Planning and Building Department shall verify compliance.

AIR QUALITY

AQ-1 During construction/ground disturbing activities, the applicant shall implement the following particulate (dust) control measures. All PM₁₀ mitigation measures required shall be shown on grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to land use clearance for map recordation and land use clearance for finish grading of the structure.

- a. Reduce the amount of disturbed area where possible.
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.
- c. All dirt stock-pile areas should be sprayed daily as needed.
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities.
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating native grass seed and watered until vegetation is established.
- f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.
- g. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

- h. Vehicle speeds for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site.
- i. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
- j. Wheel washers shall be installed where vehicles enter and exit unpaved roads onto streets, or trucks and equipment leaving the site shall be washed off.
- k. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads, and water sweepers with reclaimed water shall be used where feasible.

Monitoring: The Planning and Building Department, in consultation with the County Air Pollution Control District shall verify compliance.

AQ-2 Prior to issuance of building permits for individual lot development, in the instance where wood burning stoves are proposed, the applicant shall submit building plans showing the use of APCD-approved wood burning devices limited to the following:

- a. Must comply with EPA-Certified Phase II wood burning devices;
- b. Catalytic wood burning devices that emit less than or equal to 4.1 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- c. Non-catalytic wood burning devices that limit less than or equal to 7.5 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- d. Pellet-fueled woodheaters, or;
- e. Dedicated gas-fired fireplaces.

Monitoring: The Planning and Building Department, in consultation with the County Air Pollution Control District shall verify compliance.

AQ-3 Prior to issuance of grading and construction permits or tract improvement plans, the applicant shall ensure that portable engines and potable equipment are registered in the statewide portable equipment registration program, or a permit to operate shall be obtained from the APCD prior to the start of construction.

Monitoring: The Planning and Building Department, in consultation with the County Air Pollution Control District shall verify compliance.

AQ-4 If demolition of underground utilities or pipes is required, the applicant shall contact the APCD and comply with the requirements listed in the National Emission Standard for Hazardous Air Pollutants (NESHAP). These requirements include, but are not limited to: 1) notification requirements to the APCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and 3) applicable removal and disposal requirements of identified asbestos containing material (ASM).

Monitoring: The Planning and Building Department, in consultation with the County Air Pollution Control District shall verify compliance.

AQ-5 Prior to issuance of construction permit for each residence, the following measures shall be incorporated into the project:

- a. Increase walls and attic insulation beyond Title 24 requirements.
- b. Orient buildings to maximize natural heating and cooling.
- c. Plant shade trees along southern exposures of buildings to reduce summer cooling needs.
- d. Use built-in energy efficient appliances.
- e. Use double-paned windows.
- f. Use energy efficient indoor and outdoor lights.
- g. Provide outdoor electrical outlets to encourage the use of electric appliances and tools.
- h. Use high efficiency or solar water heaters.

Monitoring: The Planning and Building Department shall verify compliance.

GEOLOGY AND SOILS

GS-1 Prior to issuance of grading permit or tract improvement plans, the applicant shall submit a copy of the Storm Water Pollution Prevention Plan submitted to the State Water Resources Control Board. The plan shall be implemented prior to, during, and immediately following grading activities.

Monitoring: The Planning and Building Department shall verify compliance and implementation in the field.

RECREATION

R-1 Prior to recordation of the final map, upon submittal of tract improvement plans, the applicant shall submit plans for a detached trail along Grande Avenue. This trail shall be constructed to A-1(x) standards, for the review and approval by the County Parks Division. The trail shall be constructed prior to final inspection of tract improvements.

Monitoring: The Planning and Building Department, in consultation with the County Parks and Recreation Division shall verify compliance.

R-2 Prior to recordation of final map, the applicant shall pay all applicable Quimby and Building Division Fees.

Monitoring: The Planning and Building Department shall verify compliance.

WASTEWATER

WW-1 Prior to recordation of the final map, the applicant shall submit a final "will-serve" letter from the Nipomo Community Services District to the Department of Environmental Health.

Monitoring: The Planning and Building Department shall verify compliance.

WATER

W-1 Prior to issuance of building permits for each residence, construction plans must include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.

Monitoring: The Planning and Building Department shall verify required elements on plans, and implementation in the field.

W-2 Prior to final inspection, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to ½" diameter). Prior to permit issuance, the measure(s) to be used shall be shown on all applicable plumbing plans.

Monitoring: The Planning and Building Department shall verify required elements on plans, and implementation in the field.

W-3 Prior to recordation of the final map, the applicant shall submit a final "will-serve" letter from the Nipomo Community Services District to the Environmental Health Division.

Monitoring: The Planning and Building Department shall verify compliance.

The applicant understands that any changes made to the project subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

Signature of Owner(s)

Date

PHILIP D. GRAY, TRUSTEE
Name (Print)

6-7-05



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SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

REVISED PROJECT REFERRAL

NOV 22 2004

DATE: November 22, 2004

FROM Nike Gordon - PW

Gray - Tract 2441 - File # S010354U
Project Name and Number



Jim Lopes

Development Review Section (Phone 781- 5975)

PROJECT DESCRIPTION: Revised map and conditional use permit application - for 38 residential parcels and one open space parcel on a 3.8 acre site at the northeast corner of the intersection of Grande Avenue and Blume Street - refined lot layout and streets per attached description.

Return this letter with your comments attached no later than: DECEMBER 22, 2004

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES (Please go on to Part II)

☐ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO (Please go on to Part III)

☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT", PLEASE INDICATE OR CALL
RECOMMEND APPROVAL - STICK CONDITIONS ATTACHED. MEMO FROM MID-STATE PROPERTIES, LLC dtd
DEC 24, 2003, EXT. STREET SECTION MENTIONS 6 FT PARKWAY (PLAN AREA SLD REQ 8 FT), 6 FT WOOD FENCE
(IT MAY BE SOFTER BUT IT IS NOT DURABLE - TREES, VINES, ETC WILL SOFTEN BRICK WALL). STORM
WATER RETENTION (NOT DETENTION) UNDERGROUND - WHERE? ALSO IN DEV STATEMENT.
ALSO REVIEW BLUME ST APTS DEV PLAN D990051D.

30 Nov 2004

GORDON

5252

2-82

EXHIBIT B

CONDITIONS OF APPROVAL FOR TRACT 2441, GRAY / WESTLAND
REVISED 29 NOV. 2004

Approved Project

This approval authorizes the division of a _____ acre parcel into _____ parcels of _____ acres / square feet each.

Access and Improvements



Roads and/or streets to be constructed to the following standards:

- a. "A" STREET constructed to a 3/3 A-2 (URBAN) section within a MINIMUM 40 foot dedicated right-of-way. STREET SECTION TO INCLUDE 8 ft PARKWAY AND 5 ft SIDEWALK, PAVING SHALL EXTEND A MIN 24 ft FROM FACE OF CURB.
- b. GRANDE & BLUME STREETS widened to complete a A-2 (URBAN) section fronting the property. BLUME STREET TO INCLUDE CLASS II BIKER LANE GRANDE TO INCLUDE 3-11 ft LANES WITH PARKING ON NORTH SIDE (TYPICAL SECTIONS SHOWN ON TENTATIVE MAP THE ADDITIONAL)
- c. _____ constructed to a _____ section from the property to _____ (minimum paved width to be _____ feet).



The applicant offer for dedication to the public by certificate on the map or by separate document:

- a. For future road improvement _____ feet along _____ to be described as _____ feet from the recorded centerline.
- b. For future road improvement _____ feet along _____ to be described as _____.
- c. For road widening purposes _____ feet along _____ to be described as _____ feet from the recorded centerline.
- d. The _____ foot road easement as shown on the tentative parcel map with a _____ foot radius property line return at the intersection of _____.
- e. A 20 foot radius property line return at the intersection of ALL STREETS.
- f. The _____ foot road easement terminating in a county cul-de-sac as shown on the tentative map.

2-83

- ☐ The intersection of _____ and _____ shall be designed in accordance with California Highway Design Manual.
- ☒ Access be denied to lots 1. ONE THRU SEVEN 2. THIRTY ONE THRU THIRTY NINE from 1. BLUME STREET 2. GRANDE AVE and that this be by certificate and designation on the map.
- ☐ The future alignment of _____ shall be shown on the map as reserved for future public right-of-way.
- ☒ A private easement be reserved on the map for access to ^{ALL} lots _____.
- ☐ A practical plan and profile for access to lots _____ be submitted to the Department of Public Works and the Department of Planning and Building for approval.
- ☒ All grading shall be done in accordance with Appendix 33 of the Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

Improvement Plans

- ☒ Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Water plan (County Health).
 - d. Sewer plan (County Health).
 - e. Grading and erosion control plan for subdivision related improvement locations.
 - f. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
 - g. Tree removal/retention plan for trees to be removed and retained associated with the required improvement for the land division to be approved jointly with the Department of Planning and Building.
 - h. Trail plan, to be approved jointly with the Park Division.
- ☒ The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
- ☒ The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.
- ☐ If environmental permits from the Army Corps of Engineers or the California Department of Fish and Game are required for any public improvements that are to be maintained by the County, the applicant or his engineer, prior to the approval of the plans by the Department of Public Works shall:
 - a. Submit a copy of all such permits to the Department of Public Works OR
 - b. Document that the regulatory agencies have determined that said permit is not longer required.

Drainage

2-84

- ☐ _____ is not capable of carrying additional runoff. Construct off-site drainage facilities for an adequate outlet, or provide evidence of adequate drainage easements.
- ☐ The existing drainage swale(s) to be contained in drainage easement(s) dedicated on the map.
- ☒ Submit complete drainage calculations to the Department of Public Works for review and approval.
- ☒ If calculations so indicate, drainage must be **retained/detained** in a drainage basin on the property. The design of the basin to be approved by the Department of Public Works, in accordance with county standards.
- ☒ If a drainage basin is required, the drainage basin along with rights of ingress and egress be:
 - a. granted to the public in fee free of any encumbrance.
 - ☒ b. offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns.
 - c. reserved as a drainage easement in favor of the owners and assigns.
- ☐ If a drainage basin is required, a zone of benefit be formed within _____ for maintenance of the drainage basin. Application to be filed with the The Department of Public Works Administrator.
- ☐ If a drainage basin is required, this development be annexed to _____ for maintenance of the drainage basin. Evidence of acceptance to be filed with the Department of Public Works.
- ☐ The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program.

Wastewater Disposal

- ☐ Prior to the filing of the final parcel or tract map, the applicant shall submit to and be jointly approved by the county Department of Planning and Building and Health Department, results of percolation tests and the log or logs of soil borings performed by a registered civil engineer. For this purpose, the applicant shall perform one or more soil borings to be a minimum depth of ten (10) feet in the area of the appropriate area of the proposed sewage disposal system to determine the: a) subsurface soil conditions, (example: impermeable strata which act as barriers to the effective percolation of sewage); b) presence of groundwater; c) separation between sewage disposal saturation areas and groundwater; d) borings shall be as deep as necessary below the proposed on-site disposal area to assure required separation. The applicant must perform a minimum of three (3) percolation test holes, to be spaced uniformly in the area of the proposed sewage disposal system. (Parcel(s) _____, only).
- ☐ A community septic system shall be installed with a centralized leaching area and shall have a 100% or greater additional expansion area. The area for the community septic tank system and disposal area shall **be granted in fee on the map to the appropriate maintenance agency for maintenance with the right of ingress and egress / shall be kept as open space within easement for sewage treatment purposes granted to a homeowner's association.** Impervious paving over a disposal area is not considered acceptable.

2-85

- ☐ A long term community septic tank and disposal area maintenance plan be submitted to the the Department of Public Works and Health Department and the Regional Water Quality Control Board for review prior to the filing of the final parcel or tract map.
- ☐ The community sewage system shall be designed by a Registered Civil Engineer and operated in accordance with county, state, federal and maintenance entity laws, standards and requirements. A waste discharge permit, if required, shall be issued by the Central Coast State Regional Water Quality Control Board prior to the filing of the final parcel or tract map.
- ☐ This land division shall be annexed to _____ prior to the filing of the final parcel or tract map for **water service/water and sewer service/sewer maintenance/community septic system maintenance/**_____.

Soils Report

- ☐ A final soils report by a Registered Civil Engineer be submitted for review prior to the final inspection of the improvements.
- ☐ Three (3) copies of a Preliminary Soils Report prepared by a Registered Civil Engineer in accordance with Sections 17953, 17954, 17955 of the California Health and Safety Code shall be submitted to the Public Works, Health and Planning and Building Departments prior to the filing of the final parcel or tract map. The date and person who prepared the report are to be noted on the map.

Utilities

- ☒ Electric and telephone lines shall be installed **underground** ~~overhead~~
- ☒ Cable T.V. conduits shall be installed in the street.
- ☒ Gas lines shall be installed.
- ☐ A _____ feet public utility easement on private property along _____, plus those additional easements required by the utility company, be shown on the final parcel or tract map.

Design

- ☒ The lots shall be numbered in sequence.
- ☐ The _____ on lot _____ be removed or brought into conformance with the **Land Use Ordinance / Coastal Zone Land Use Ordinance** prior to filing the final parcel or tract map. A demolition permit may be required.
- ☐ The lot area of _____ shall contain a minimum area of _____ exclusive of area shown for rights of way and any easement that limits the surface use for building construction (Section 22/23.04.021).



The applicant shall apply to the Department of Planning and Building for approval of new street names prior to the filing of the final parcel or tract map. Approved street names shall be shown on the final parcel or tract map *AND ON THE IMPROVEMENT PLANS.*

Vector Control and Solid Waste

- ☐ A determination of method of pick-up shall be specified by the waste handler and if centralized facilities for the pick-up are required, provisions shall be made within the project for central facilities that meet **Land Use Ordinance / Coastal Zone Land Use Ordinance** requirements for trash enclosures. If centralized facilities are established, this shall include provisions for recycling if service is available or subsequent installation of such facilities if recycling service becomes available in the future.

Fire Protection

- ☐ Provide minimum fire flow of _____ gallons per minute as per nationally recognized standard. Fire flows to be maintained for a minimum two-hour duration.
- ☐ The applicant shall obtain a fire safety clearance letter from the California Department of Forestry (CDF)/County Fire Department establishing fire safety requirements prior to filing the final parcel or tract map.
- ☐ Designate a fire lane within all the driveway areas. This lane to be minimum width of twenty (20) feet. *(USE FOR MULTI-FAMILY/COMMERCIAL PROJECTS ONLY)*

Parks and Recreation (Quimby) Fees

- ☐ Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total **number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them / or the number of dwelling units proposed in the case of a condominium, stock cooperative, or community apartment project.**
- ☐ For subdivisions of less than five parcels that are not to be used for residential purposes, if a building permit is requested for construction of a residential structure or structures on one or more of the parcels created by this subdivision within four years of recordation of the map, the Quimby Ordinance fee specified in the county fee schedule shall be paid by the owner of each parcel as a condition for the issuance of such permit.

Affordable Housing Fee

- ☐ Prior to filing the final parcel or tract map, the applicant shall pay an affordable housing in-lieu fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

2-87

Easements

- ☐ The property owner shall grant an avigation easement to the county of San Luis Obispo. The avigation easement document shall be prepared, reviewed and approved by County Counsel prior to filing of the final parcel or tract map.
- ☐ An open space easement be recorded for the open space parcel(s). It is to be held ***in single ownership / in common by the Homeowner's Association / or transferred to a public trust or conservancy agency approved by the Department of Planning and Building.*** The open space parcel is to be maintained as such in perpetuity.

Landscape Plans

- ☐ ***If a drainage basin*** is required, then submit detailed landscaping plans in compliance with Section 22/23.04.180 et seq. to the Department of Planning and Building for review and approval prior to filing of the final parcel or tract map. Said plans to include location, species, size, and method of maintenance of all proposed plant materials. All proposed plant materials shall be of a drought tolerant variety and be sized to provide a mature appearance within three years of installation. Plan to include:
 - a. Drainage basin fencing. ***(ONLY USE IF THE DRAINAGE BASIN HAS A DEPTH OF 2 FEET OR GREATER AS MEASURED FROM THE TOP OF THE RIM TO THE LOWEST PORTION OF THE BASIN)***
 - b. Drainage basin perimeter landscape screening. ***(ONLY USE FOR FENCED BASINS)***
 - c. Landscaping for erosion control.
- ☐ All approved landscaping shall be installed or bonded for prior to filing of the final parcel or tract map and thereafter maintained in a viable condition on a continuing basis. If bonded for, landscaping shall be installed within _____ days of completion of the improvements.

Mitigations PUT ANY MITIGATIONS FROM DEVELOPER STATEMENT HERE **ONLY IF THEY CAN BE COMPLETED PRIOR TO THE RECORDATION OF THE MAP**

☐ _____

☐ _____

Additional Map Sheet

- ☒ The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:

CHOOSE APPLICABLE PROVISIONS

- a. That the owner(s) of lot(s) _____ is responsible for on-going maintenance of drainage basin fencing in perpetuity.
- b. That the owner(s) of lot(s) _____ is responsible for on-going maintenance of ***drainage basin / adjacent*** landscaping in a viable condition on a continuing basis into perpetuity.
- c. That secondary dwellings shall not be allowed on ***all lots within the land division*** / on lots _____.

- 2-88
- d. Designated building sites (and access drives) shall be shown on the additional map sheet reflecting the approved tentative map. **At the time of application for construction permits**, the applicant shall clearly delineate the approved building site and access drive on the project plans.
- e. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
- f. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
- g. An agricultural buffer prohibiting residential structures, consisting of _____ feet over lots _____, shall be shown on the additional map sheet. This buffer shall become null and void on individual parcels within this subdivision, if the adjacent Agriculture land use category is changed or if any existing commercial agricultural business on adjacent parcels effecting this subdivision cease operation for a minimum of one year. **At the time of application for construction permits**, the applicant shall clearly delineate the agricultural buffer on the project plans.
- h. The limits of inundation from a 100 year storm over lots _____ from _____ **creek / river** shall be shown on the additional map and note the required building restriction in the on the sheet.
- i. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
- j. A notice that no construction permits will be given a final inspection until the fire safety conditions established in the letter dated _____ from the California Department of Forestry (CDF)/County Fire Department are completed. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection approval of all required fire/life safety measures.
- k. Note to potential buyers and future owners of the property that the project is in an area from which combustion and petroleum-type odor complaints are frequently received by the Air Pollution Control District. The District Hearing Board has issued a nuisance abatement order which should improve the air quality in the Nipomo area; however, clean up is a lengthy process, therefore buyers of new lots should be advised that these conditions exist. *(ONLY USE IF WITHIN SOUTH COUNTY PLANNING AREA OR NEAR THE PLANT IN THE SAN LUIS BAY PLANNING AREA)*
- l. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
- A. Construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
- B. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.
- m. PUT ANY MITIGATIONS FROM DEVELOPER'S STATEMENT HERE **ONLY IF THEY GO BEYOND RECORDATION OF THE MAP** _____

2-59

Covenants, Conditions and Restrictions

☒ The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:

CHOOSE APPLICABLE PROVISIONS

- a. On-going maintenance of drainage basin fencing in perpetuity.
- ☒ b. On-going maintenance of **drainage basin / adjacent** landscaping in a viable condition on a continuing basis into perpetuity.
- b. Maintenance of drainage basin landscaping.
- ☒ c. Maintenance of common areas.
- d. Secondary dwellings shall not be allowed.
- e. Designated building sites (and access drives) shall be shown on an exhibit attached to the CC&R's reflecting the approved tentative map.
- f. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
- g. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
- h. An agricultural buffer prohibiting residential structures, consisting of _____ feet over lots _____, shall be shown on an exhibit attached to the CC&R's. This buffer shall become null and void on individual parcels within this subdivision, if the adjacent Agriculture land use category is changed or if any existing commercial agricultural business on adjacent parcels effecting this subdivision cease operation for a minimum of one year.
- ☒ i. Maintenance of all local streets within the subdivision ~~until acceptance by a public agency~~
- j. The limits of inundation from a 100 year storm over lots _____ **creek / river** shall be shown on an exhibit attached to the CC&R's and note the required building restriction in the in the CC&R's.
- k. Note to potential buyers and future owners of the property that the project is in an area from which combustion and petroleum-type odor complaints are frequently received by the Air Pollution Control District. The District Hearing Board has issued a nuisance abatement order which should improve the air quality in the Nipomo area; however, clean up is a lengthy process, therefore buyers of new lots should be advised that these conditions exist. (ONLY USE IF WITHIN SOUTH COUNTY PLANNING AREA OR NEAR THE PLANT IN THE SAN LUIS BAY PLANNING AREA)
- ☒ l. MAINTENANCE OF THE GRANDE BLANC STREET SIDE OF BACK YARD WALL/FENCE AND LANDSCAPING ALONG WITH THE PARKWAY.

Low Cost Housing (USE IN COASTAL ZONE ONLY)

- ☐ Provide _____ residential units for low and moderate income families as defined by Section 50093 of the Health and Safety Code as part of the proposed project or elsewhere in the community. The agreement with the county for the development will include acknowledgment that it is feasible to provide a level of affordable housing in conjunction with this project. If qualified buyers have not purchased any of the _____ units within six months of the units being available for sale, and evidence can be provided that shows a reasonable advertising campaign was used to attract qualified buyers, the applicant may be relieved from the requirements to sell the units to qualified buyers.

2-90

Miscellaneous

- ☒ This subdivision is also subject to the standard conditions of approval for all subdivisions using **community water and sewer / community water and septic tanks / individual wells and septic tanks**, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
- ☐ A stormwater pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary prior to filing the map.
- ☐ Applicant shall file with the Department of Public Works an application requesting apportionment of any unpaid assessments under the Improvement Bond Act of 1915, in compliance with Section 8740.1 of the Streets and Highways Code of the State of California. Said apportionment must be completed prior to filing the map.
- ☐ Prior to the sale of the designated remainder or omitted parcel, if applicable, the applicant shall obtain approval of a certificate of compliance or conditional certificate of compliance from the county.
- ☐ All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.



2-91

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

RECEIVED

JUL 08 2002

Planning & Bldg

THIS IS A NEW PROJECT REFERRAL

JUL 5 2002

VICTOR HOLANDA, AICP
DIRECTORBRYCE TINGLE, AICP
ASSISTANT DIRECTORELLEN CARROLL
ENVIRONMENTAL COORDINATORFORREST WERMUTH
CHIEF BUILDING OFFICIAL

DATE:

July 3, 2002

TO:

Ken. Health

TR 2441

FROM:

So County Team

5010354

Gray Trust

Project Name and Number

Development Review Section (Phone 781- 5183)

PROJECT DESCRIPTION:

Subdivide into 38 lots.

Return this letter with your comments attached no later than:

July 17, 2002

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☐ YES (Please go on to Part II)☐ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☐ NO (Please go on to Part III)☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.
IF YOU HAVE "NO COMMENT", PLEASE INDICATE OR CALL

Applicant should receive tech conditions for community water & sewer.
Applicant will need to provide a bill-of-sale for tentative approval.

7/5/02
DateL. Salo
NameX 5551
Phone

2-97



COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
RICHARD D. GREEK
AGRICULTURAL COMMISSIONER/SEALER

(805) 781-5910

FAX (805) 781-1035

AgCommSLO@co.slo.ca.us

August 6, 2002

TO: Lynda Auchinachie, Planner III

FROM: Robert Hopkins, Deputy Agricultural Commissioner

SUBJECT: Gray Trust Tract Map and Development Plan

This report responds to your request for comments on the proposed Gray Trust Tract Map and Development Plan. Our comments are based on a review of aerial photography, a site visit and information from the adjacent grower. The comments and recommendations in our report are based on policies in the Agriculture and Open Space Element and on current departmental policy to conserve agriculture resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

A. Project Description and Agricultural Setting

The project entails the subdivision of approximately 3.8 acres into 38 lots of approximately 3,000 square feet each. The property is in the Residential Multi-Family land use category, and is currently vacant.

A wholesale cut flower nursery operation consisting of both greenhouse and outdoor growing areas exists south of the site on the opposite side of Grande Ave. The nursery is within the Agriculture Land Use Category.

B. Evaluation of Potential Impacts

The development of high density residential uses very close to the nursery operation creates a potential incompatible land use pattern for the nursery operation. Standard operations for the nursery could generate impacts to residential uses such as:

Dust from field cultivation and vehicle traffic
Noise from cultivation, shipping and receiving, heating fans during winter months
Farm chemicals ground application of pesticides and fumigants.

Lynda Auchinachie, Planner III

August 6, 2002

Page 2

The future residential occupants could impact the nursery operation from, increase duty of care and liability, constraints on performing cultural practices in a timely manner and complaints about the nursery operation. Additionally, the project design locates an access road in relatively close proximity to the nursery entrance road. The nursery has delivery and shipping trucks several times during the day. Vehicle traffic from the residential development could impact the flow of truck traffic into and out of the nursery.

C. Recommended Mitigation Measures

The Agriculture and Open Space Element, agricultural policy 17, promotes the protection of land in the Agricultural designation and/or land with agricultural production using buffers in accordance with the agricultural buffer policy. For a nursery operation the buffer distance range is 50 to 500 feet. For this project we recommend the following:

1. Create a horizontal buffer distance of 100 feet (including the road right of way) on the subject property
2. Appropriately landscape along the sidewalk fronting Grande Avenue in order to provide some vegetative screening.
3. Provide supplemental disclosure to purchasers of these properties concerning the nature of the neighboring agricultural activities and hours of operation
4. Evaluate a project redesign or change the access to provide greater separation between access to the development and the entrance to the nursery.

Discussion

The recommended buffer distance would create an over all distance of approximately 145 to 150 feet between the closest dwelling and the nursery operation. Additionally the distance between the loading and unloading area of the nursery (identified by an acoustical noise study to generate the most noise) and the closest dwelling unit would be approximately 350 feet. A row of fairly dense trees on the nursery property along Grande Avenue provides vegetative screening between the respective land uses.

2-94

Lynda Auchinachie, Planner III

August 6, 2002

Page 3

The buffer distance would appear appropriate, given the surrounding residential uses. The recommended buffer distance is comparable to the buffer distance between the residential units on the adjacent property (Nipomo Bay Apartments) and the nursery operation. Generally the prevailing wind direction is from the development project toward the nursery operation. With respect to dust, agricultural chemical use and to a lesser extent noise this feature supports buffer distance in the lower range.

The recommended buffer distance is applicable to residential units. The buffer is not intended to prohibit other appropriate uses such as a drainage basin which does not include human occupancy.

For further assistance please call.

CC: Brassica Nursery
Westland Engineering

H:\RLHLUP\Gray Trust TM.wpd

2-95



COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY (805) 781-5910
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035

AgCommSLO@co.slo.ca.us

November 6, 2002

TO: Terry Orton, Westland Engineering
FROM: Robert Hopkins, Deputy Agricultural Commissioner
SUBJECT: Gray Trust Buffer Modification

You have requested a reduction in the agricultural buffer distance for this residential development. We would be able to modify the buffer as described below.

Landscape Screening

We could reduce the buffer by 25 feet for sufficient landscape screening planted within the buffer area. The vegetative screening, which could be a combination of shrubs and trees would need to form a reasonable solid barrier between the closest residence and the county road.

Backyard Buffer

In discussions with you concerning the project there was indication of a possible redesign which would have some of the residential units with the backyards facing the nursery operation across the street. With this type of configuration the backyard of these residences could be included in the buffer.

Nursery Detention Basin Site

The nursery operation has a detention basin located in the northwest corner of their property. We contacted the nursery operator concerning the use of this basin. Other than the western end which is used for Eucalyptus production the basin is not used for flower production. An access road on the north side of the basin next to the row of trees is used on a regular basis. We would consider an additional small reduction (up to 25 feet) in this area.

Hopefully this information will be helpful in redesigning the project. I can be available to review any redesigned projects.

2-96

DEC 29 2004



COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY (805) 781-5910
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035

AgCommSLO@co.slo.ca.us

DATE: December 17, 2004

TO: Jim Lopes, Planner III

FROM: Lynda L. Auchinachie, Agriculture Department *JA*

SUBJECT: Gray Trust CUP/Tract Map S010354U (0978)

Thank you for the opportunity to review the proposed landscape plan for Tract 2441. The plan appears to indicate a fence along the entire length of Grande Avenue. Our comments are based on a fence of at least six feet in height along Grande Avenue.

Conceptually, the plan addresses the Agriculture Department's landscape recommendations by establishing a multi-layered planting of evergreen trees in addition to a 75-foot agricultural buffer. To ensure the effectiveness of the landscape material, the plantings should provide adequate density (maturity and quantity) to form a vegetative screen at the time of building occupancy. Disclosure to purchasers and occupants of these properties concerning the nature of the neighboring agricultural activities and hours of operation should be included.

If I can be of further assistance, please call 781-5914.

2-97



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING
GENERAL SERVICES

2004 NOV 23 AM 9:53

VICTOR HOLANDA, AICP
DIRECTOR

REVISED PROJECT REFERRAL

7/17/04

DATE: November 22, 2004

TO: *7/17/04* Jan DeLeo - Parks

Gray - Tract 2441 - File # S010354U
Project Name and Number

FROM: *7/17/04* Jim Lopes

Development Review Section (Phone 781- 5975)

PROJECT DESCRIPTION: Revised map and conditional use permit application - for 38 residential parcels and one open space parcel on a 3.8 acre site at the northeast corner of the intersection of Grande Avenue and Blume Street - refined lot layout and streets per attached description.

Return this letter with your comments attached no later than: DECEMBER 22, 2004

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES (Please go on to Part II)

☐ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO (Please go on to Part III)

☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT", PLEASE INDICATE OR CALL

① Require payment of Quimby fees and applicable Building Division fees.

② Require a trail along Grande to the County's A-1(x) standard

11/30/04

JAN DELEO

X4089



SAN LUIS OBISPO
COUNTY PARKS

MEMO

TO: Westland Engineering

FROM: Jan Di Leo

DATE: November 30, 2004

RE: **Gray - Tract 2441 & S010354U - Proposed Park and Potential Quimby Credit**

Parks Division received your revised Tract Map application dated November 22, 2004. In the revised application you indicate Lot 7 as a small park. Please note, the proposed project would be required to pay \$68,210 in Quimby fees. Since you are proposing a small park your project may be eligible for a 50% Quimby Credit.

Attached are sections of the San Luis Obispo County Quimby Ordinance that are relevant to obtaining a Quimby credit. Please note, you must be consistent with Sections 21.09.022 (a - b), and 21.09.020 (a-e). If you feel you are consistent with these sections and you are interested in obtaining up to a 50% Quimby Credit please:

1. Provide a written response to Sections 21.09.022 (a and b) and 21.09.020 (a-e). Please note, Section 21.09.020 (e) requires that the land *provide* recreation. Thus, your proposal should include recreational items such as a tot lot, barbecues, picnic tables, etc. The credit is equivalent to the cost of providing these items and the land if the land is not required under the sections noted above.
2. Provide a site plan or a written description outlining the items proposed within the park.
3. Indicate in your letter that Jim Lopes is your Planner and your project's case numbers (e.g., S010354U, TR 2441).
4. Send this information to Jan Di Leo, General Services Department, 1087 Santa Rosa Street, San Luis Obispo, CA 93408.

Once I receive your request I will let you know if I have questions or concerns with your proposal. Once Parks has reviewed your request, we will make a written determination whether a credit is in order and the amount of the credit. If you have other questions please give me a call at (805) 781-4089 or send me an e-mail at jdileo@co.slo.ca.us. THANKS!

cc: Jim Lopes, Planning & Building Department
Gray Trust, 1320 Archer Street, SLO, CA 93401



2-99
**AIR POLLUTION
CONTROL DISTRICT**
COUNTY OF SAN LUIS OBISPO

Lynda

DATE: July 23, 2002

TO: South County Team
San Luis Obispo County Department of Planning and Building

FROM: Melissa A. Guise *MAC*
San Luis Obispo County Air Pollution Control District

SUBJECT: Gray Trust Subdivision/S010354, TR 2441

Thank you for including the APCD in the environmental review. We have completed our review of the Gray Trust Subdivision. The project as proposed would subdivide Lot 15 of the Mesa Grande Tract into 38 lots. The project is located at 676 Grande Avenue in Nipomo. We have the following comments regarding this project:

Construction Phase Emissions

The project as described in the referral will not likely exceed the District's CEQA significance threshold for construction phase emissions. However, construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. District staff recommends the following measures be incorporated into the project to control dust:

- Reduce the amount of the disturbed area where possible.
- Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.
- All dirt stock-pile areas should be sprayed daily as needed.
- Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities.
- Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established.
- All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.
- All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
- All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
- Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
- Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.

Gray Trust Subdivision
Page 2
July 23, 2002

Portable engines and portable equipment used during construction should be registered in the statewide portable equipment registration program or must obtain a permit to operate from the District prior to the start of construction. Examples of portable engines include, but are not limited to internal combustion engines used in cranes, pumps, welding power generation, diesel pile-driving hammers, and compressors. Examples of portable equipment include, but are not limited to confined and unconfined abrasive blasting operations, concrete batch plants, and rock and pavement crushing, tub grinders and trommel screens.

Demolition activities have potential negative air quality impacts, including issues surrounding proper demolition and disposal of asbestos containing material (ACM). If demolition activities are included as part of this project such activities are subject to the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (NESHAP). These requirements include but are not limited to: 1) notification requirements to the District, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact Tim Fuhs of the APCD Enforcement Division at 781-5912 for further information.

Operational Phase Emissions

We would first like to commend the applicant for proposing development within the urban reserve line, with convenient access to commercial services. The District supports higher density development within the urban core, as opposed to development at the urban fringe. In-fill development makes walking, bicycling and public transportation more viable, decreasing dependence on driving and therefore reducing tailpipe emissions. This type of project is consistent with the goals and policies of the District's Clean Air Plan.

District staff prepared a screening level air quality impact assessment for operational impacts from this project. Based on our analysis, the unmitigated project has the potential to exceed the District's Tier I CEQA significance threshold for operational phase emissions. To reduce emissions to below the level of significance the project should include the following mitigation measures.

Standard Site Design Measures

- If the project is located on an established transit route, a transit turnout and a shelter should be constructed with direct pedestrian access to and from the facility.
- Incorporate easement or land dedication for bikeways and pedestrian walkways

Energy Efficiency Measures

- Increase walls and attic insulation beyond Title 24 requirements.
- Orient buildings to maximize natural heating and cooling.
- Plant shade tree along southern exposures of buildings to reduce summer cooling needs.
- Use built-in energy efficient appliances.
- Use double-paned windows.
- Use energy efficient indoor and outdoor lights.
- Provide outdoor electrical outlets to encourage the use of electric appliances and tools.
- Use high efficiency or solar water heaters.

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Gray Trust Subdivision
Page 3
July 23, 2002

If you have any questions or comments please contact me a (805) 781-5912.

MAG/sll

cc: Aeron Arlin-Genet; SLOAPCD Planning Division
Tim Fuhs; SLOAPCD Enforcement Division

H:\ois\plan\response\2536.doc

CDF/SAN LUIS OBISPO COUNTY FIRE DEPARTMENT

Dan Turner, Chief

General Information 805/543-4244
FAX 805/543-4248

635 N. Santa Rosa • San Luis Obispo • California 93405
July 17, 2002

County of San Luis Obispo
Department of Planning/Building
South County Team
County Government Center
San Luis Obispo, CA 93408

RECEIVED

JUL 19 2002

Planning & Bldg

TRACT MAP PLAN

Project Number: TRACT 2441 Name: Gray Trust 90103544

The Department has reviewed the fire safety plans submitted for the proposed 38 parcel subdivision project located at Grande and Blume, Nipomo. The property is located within the State Responsibility area.

THE OWNER OF THE PROJECT SHALL MEET THE MINIMUM FIRE AND LIFE SAFETY REQUIREMENTS OF THE UNIFORM FIRE CODE (1997 EDITION) WITH AMENDMENTS. THIS FIRE SAFETY PLAN SHALL REMAIN ON THE PROJECT SITE UNTIL FINAL INSPECTION.

THE FOLLOWING STANDARDS ARE REQUIRED.

FIRE SAFETY DURING CONSTRUCTION

- Multi-Family Residential type projects shall have installed, prior to the start of construction, community water system and access roads.

COMMUNITY WATER SYSTEM

- Emergency water supplies shall meet the minimum fire flow requirements as identified in the Uniform Fire Code, Section 903.1, 903.2, 903.3 and 903.4 as amended, and in Appendix III-A.
- The proposed project shall provide a minimum 1,000 gallons of water per minute for 120 minutes.
- The minimum water main size shall not be less than six (6) inches.
- Pressures may not be less than 20 psi, nor more than 150 psi (Appendix IIIA).

WATER SUPPLY CONNECTION

- **Several fire hydrants shall be required.**
- Fire hydrants are to be located with a maximum normal spacing of 500 feet as measured along vehicular travel ways.
- **The County Fire Department will assist in hydrant placement and approve distribution system when plans are submitted.**
- Fire hydrants shall have two, 2½-inch outlets with National Standard Fire thread, and one 4 inch suction outlet with National Standard Fire thread.
- The Chief shall approve other uses not identified.
- Signing: Each hydrant shall be identified by blue reflective dot.
 - (a) On a fire resistive post within 3 feet of fire hydrant.
 - (b) On a non-skid surface, center of roadway, to the fire hydrant side.



PROVIDING COOPERATIVE FIRE PROTECTION AND RESCUE SERVICES
TO THE CITIZENS OF SAN LUIS OBISPO COUNTY



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ACCESS

- Access road width shall be 18 feet with no parking allowed.
- All road surfaces shall be all weather.
- All surfaces shall be constructed to meet a load capacity of 20 tons.
- Access roads shall be named and signed.
- Road naming and signing shall occur prior to the start of construction.
- Road name and sign information is available by phoning 781-5199.
- Any grade exceeding 12% shall be a non-skid surface.

FINAL INSPECTION

- The project shall require final inspection. **Allow five (5) working days for final inspection.** When the safety requirements have been completed, **call the Fire Prevention Secretary at 543-4244, extension 2220,** and arrange for a final inspection.

If I can provide additional information or assistance, please call 543-4244, ext. 2123. **Office hours 8:00 a.m. to 5:00 p.m., Tuesday through Friday.**

Sincerely,

Gilbert R. Portillo
Fire Inspector

C:Gray Trust
Westland Engineering

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NIPOMO COMMUNITY

BOARD MEMBERS

MICHAEL WINN, PRESIDENT
JUDITH WIRSING, VICE PRESIDENT
ROBERT BLAIR, DIRECTOR
CLIFFORD TROTTER, DIRECTOR
LARRY VIERHEILIG, DIRECTOR



SERVICES DISTRICT

STAFF

DOUGLAS JONES, GENERAL MANAGER
JON SEITZ, GENERAL COUNSEL
DAN MIGLIAZZO, UTILITY SUPERVISOR

*Mid State
Grande*

148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326
(805) 929-1133 FAX (805) 929-1932 Email address gm@nipomocsd.com

August 28, 2003

Jessica George
Westland Engineering, Inc.
75 Zaca Lane, Suite 100
San Luis Obispo, CA 93401

This is NOT a Will-Serve Letter

SUBJECT: INTENT-TO-SERVE WATER AND SEWER SERVICE
MID STATE PROPERTIES - GRAY TRUST
TRACT 2441 BLUME AND GRANDE NIPOMO

An Intent-to-Serve letter for water service for Tract 2441, a 38-lot project at Blume and Grande in Nipomo, is granted subject to the following conditions:

1. Enter into a Plan Check and Inspection Agreement and pay the appropriate fees.
2. Submit improvement plans showing appropriate looping prepared in accordance with the District Standards and Specifications for review and approval.
3. Pay all appropriate District water, sewer and other fees associated with this development.
4. Construct the improvements required and submit the following:
 - a. Reproducible "As Builts" - A mylar copy and digital format disk (Auto Cad) which includes engineer, developer, tract number and water improvements
 - b. Offer of Dedication
 - c. Engineer's Certification
 - d. A summary of all water and sewer improvement costs
5. This Intent-to-Serve Letter will expire two years from date of issuance.
6. Other future conditions may be established by the Board of Directors prior to issuance of a final Will-Serve letter.

As required by Section 19.20.236 Title 19 of the San Luis Obispo County Code, the Nipomo Community Services District certifies that it will provide potable water service to APN 092-141-010 and that it has sufficient water resources and system capacity to provide such service. Notwithstanding any other language in this letter, the District certifies that (1) it will provide new service to the parcel(s) within the development on the same basis as it provides new service to any other legal parcel within the District's service area; and (2) once new service is established for a parcel(s) within the development, the District will provide service to said parcel on the same basis as it provides service to other customers within the same land use designation.

This is not a Will Serve letter

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Jessica George
Westland Engineering, Inc.
Intent-to-Serve
August 28, 2003
Page Two

This is NOT a Will-Serve Letter

Notwithstanding to the above paragraph, notice is provided that Nipomo Community Services District has been made a party to that lawsuit entitled Santa Maria Valley Water Conservation District, et al. v. City of Santa Maria, et al., Santa Clara Superior Court Case No. CV 770214. The case involves competing claims to the right to produce water from and/or store water in the Santa Maria Valley Groundwater Basin, the water source from which Nipomo Community Services District derives the water, which it serves. The District is now unable to predict with any certainty the outcome of the above-referenced litigation. However, the litigation conceivably could result in a limitation on the availability of groundwater for the District's production and/or an increase in the cost of water, which the District serves to its water customers.

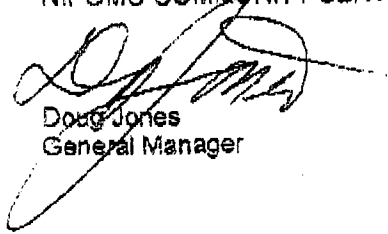
The County Planning & Building Department is directed to withhold the building permit until the District's fees have been paid.

This "Intent-to-Serve" letter shall be subject to the current and future rules, regulations, fees, resolutions and ordinances of the Nipomo Community Services District. This "Intent-to-Serve" letter may be revoked as a result of conditions imposed upon the District by a Court or availability of resources, or by a change in ordinance, resolution, rules, fees or regulations adopted by the Board of Directors for the protection of the health, safety, and welfare of the District. The District reserves the right to revoke this "Intent-to-Serve" letter at any time.

A TWO YEAR EXPIRATION DATE IS IN EFFECT

Sincerely,

NIPOMO COMMUNITY SERVICES DISTRICT

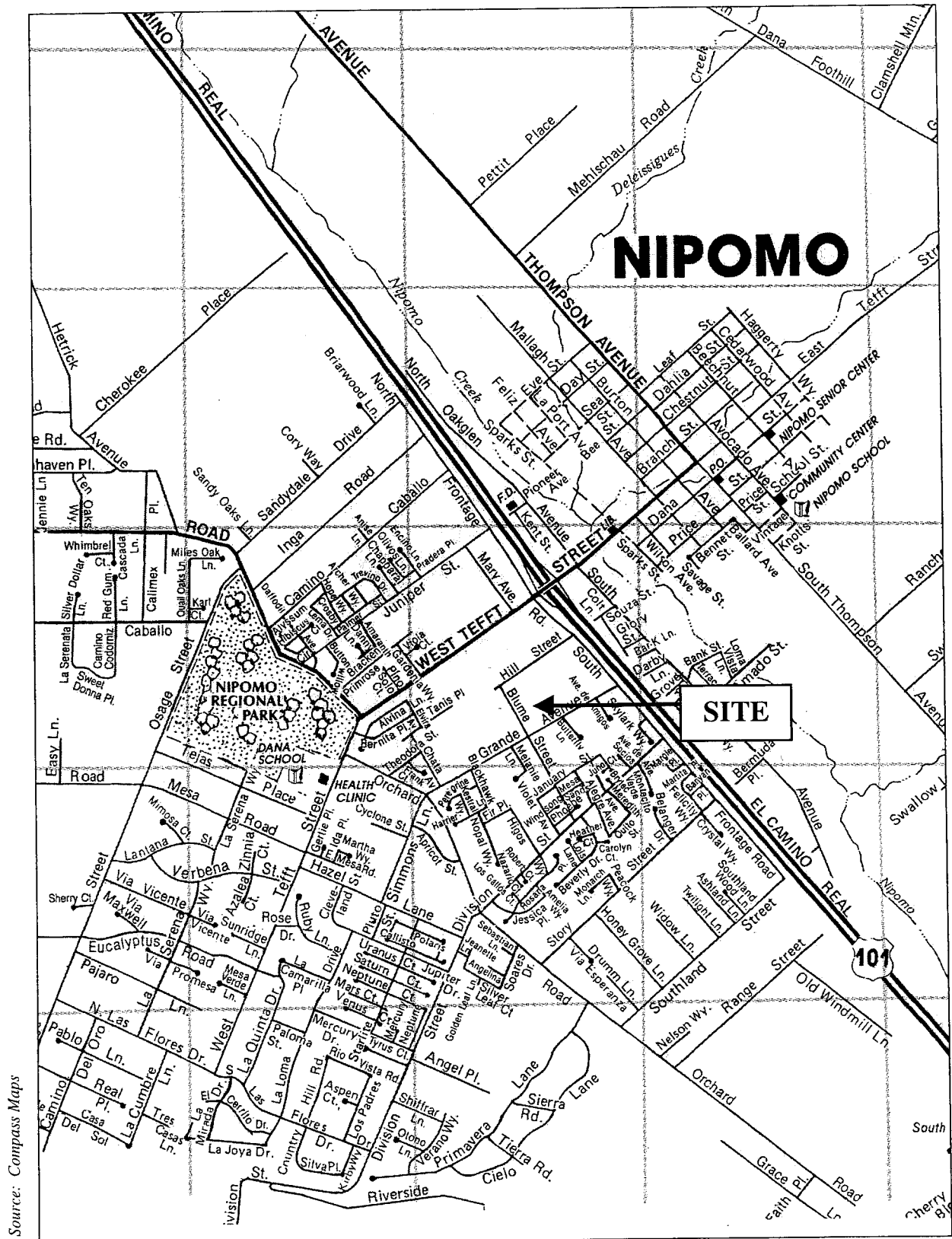


Doug Jones
General Manager

Will-Serve/Intent/TR 2441 Gray

This is not a Will-Serve Letter

2-106

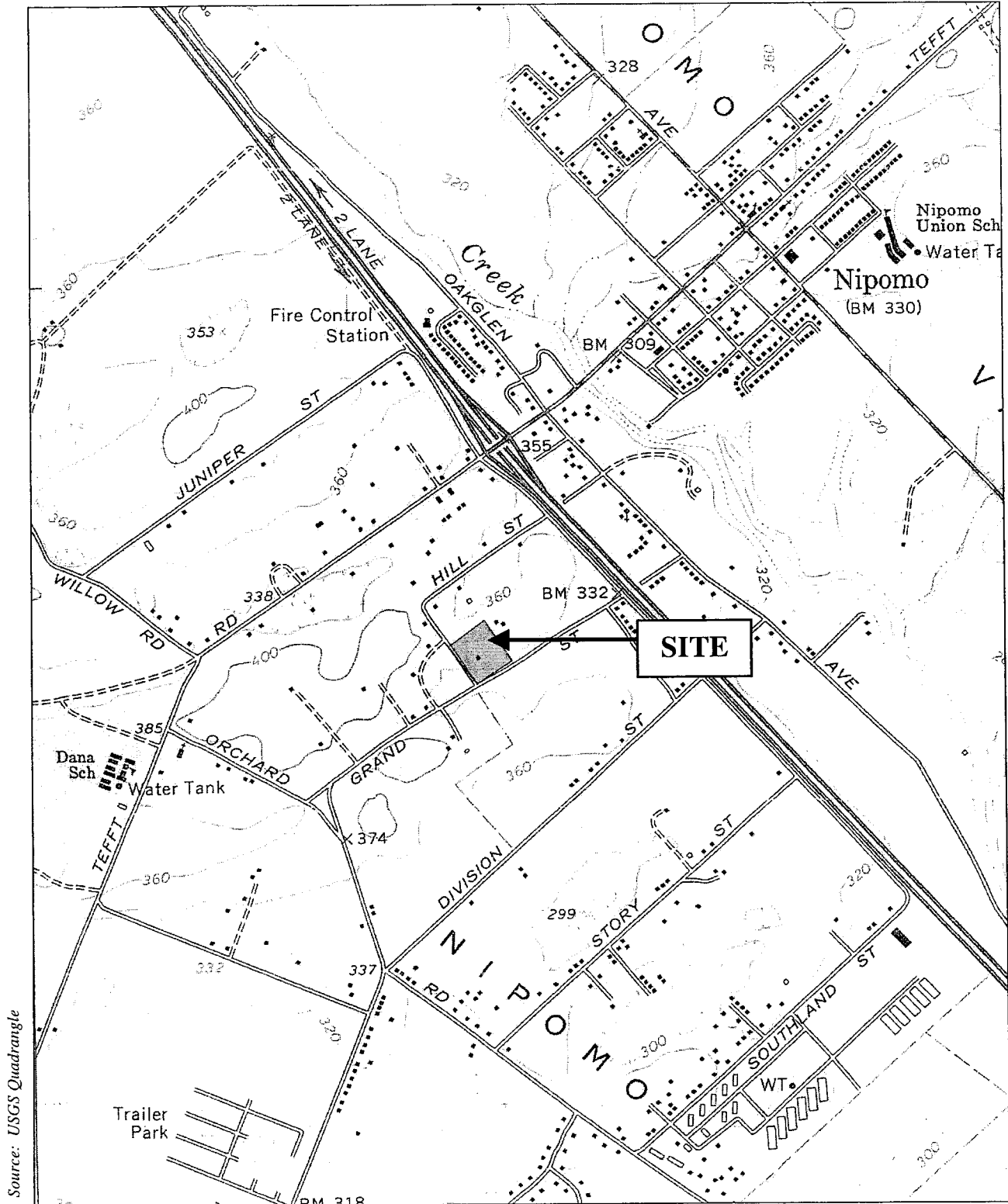


Source: Compass Maps



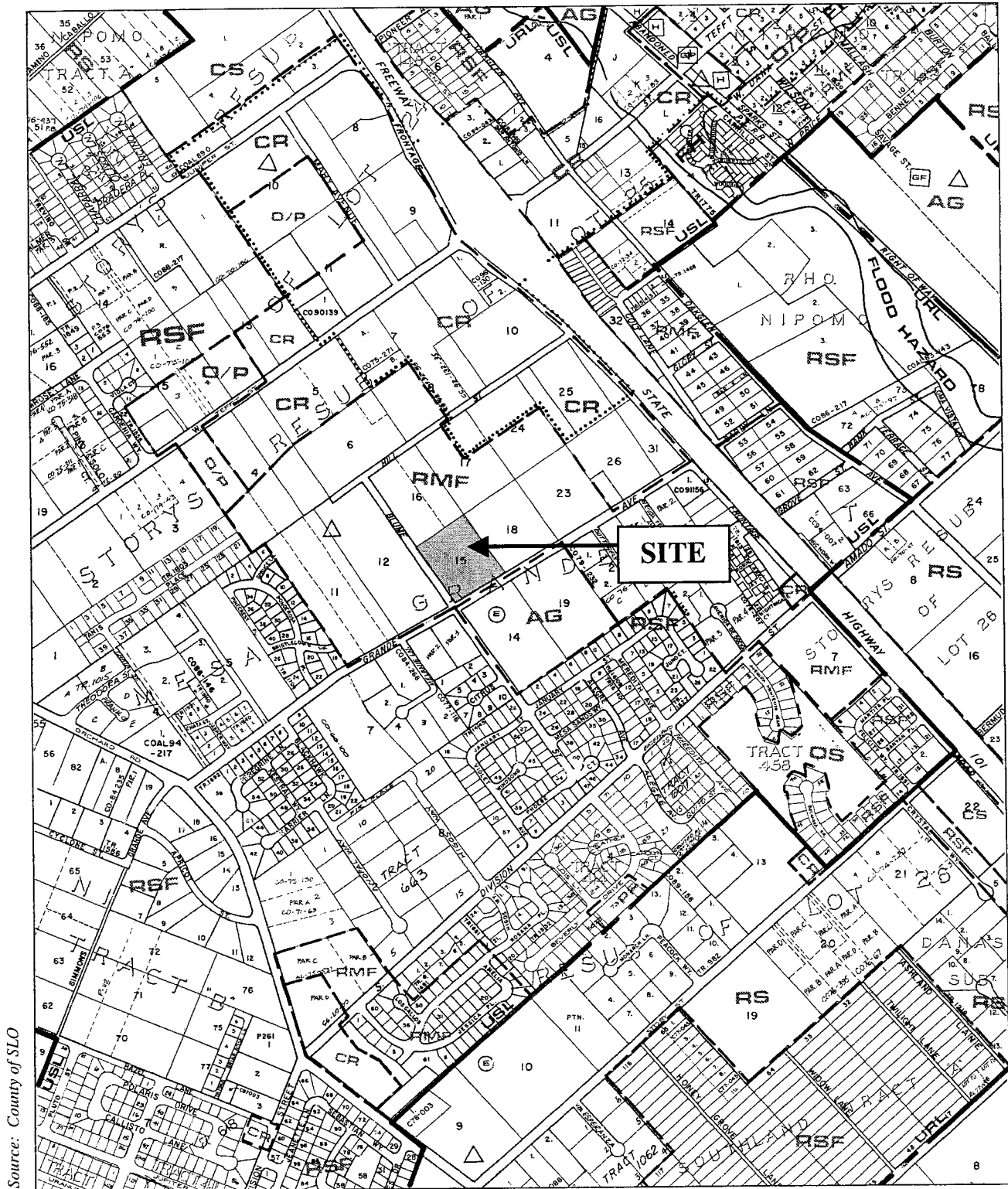
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VICINITY MAP
FIGURE 1



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**LOCATION MAP
FIGURE 2**

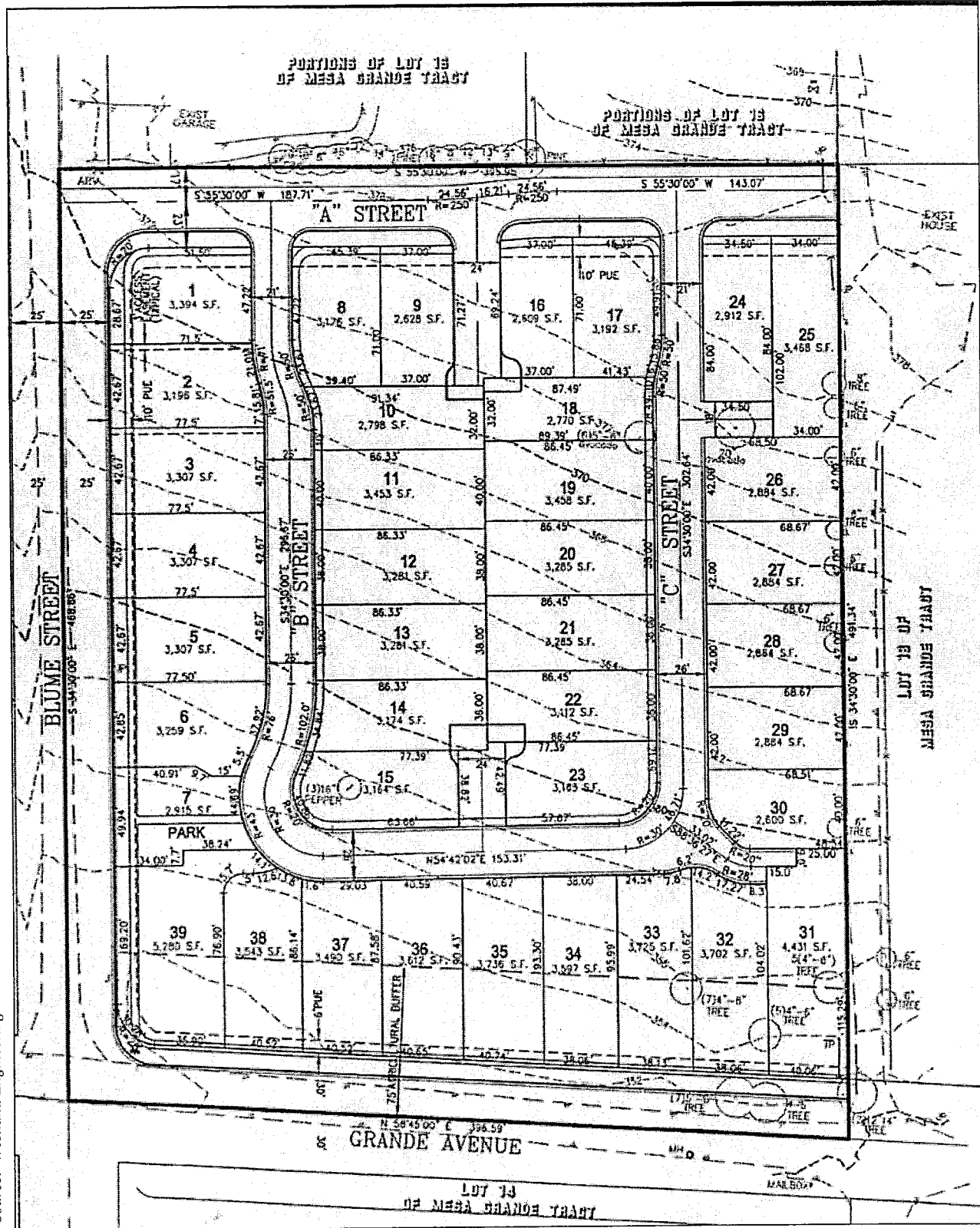


Source: County of SLO



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LAND USE CATEGORY
FIGURE 3



Source: Westland Engineering

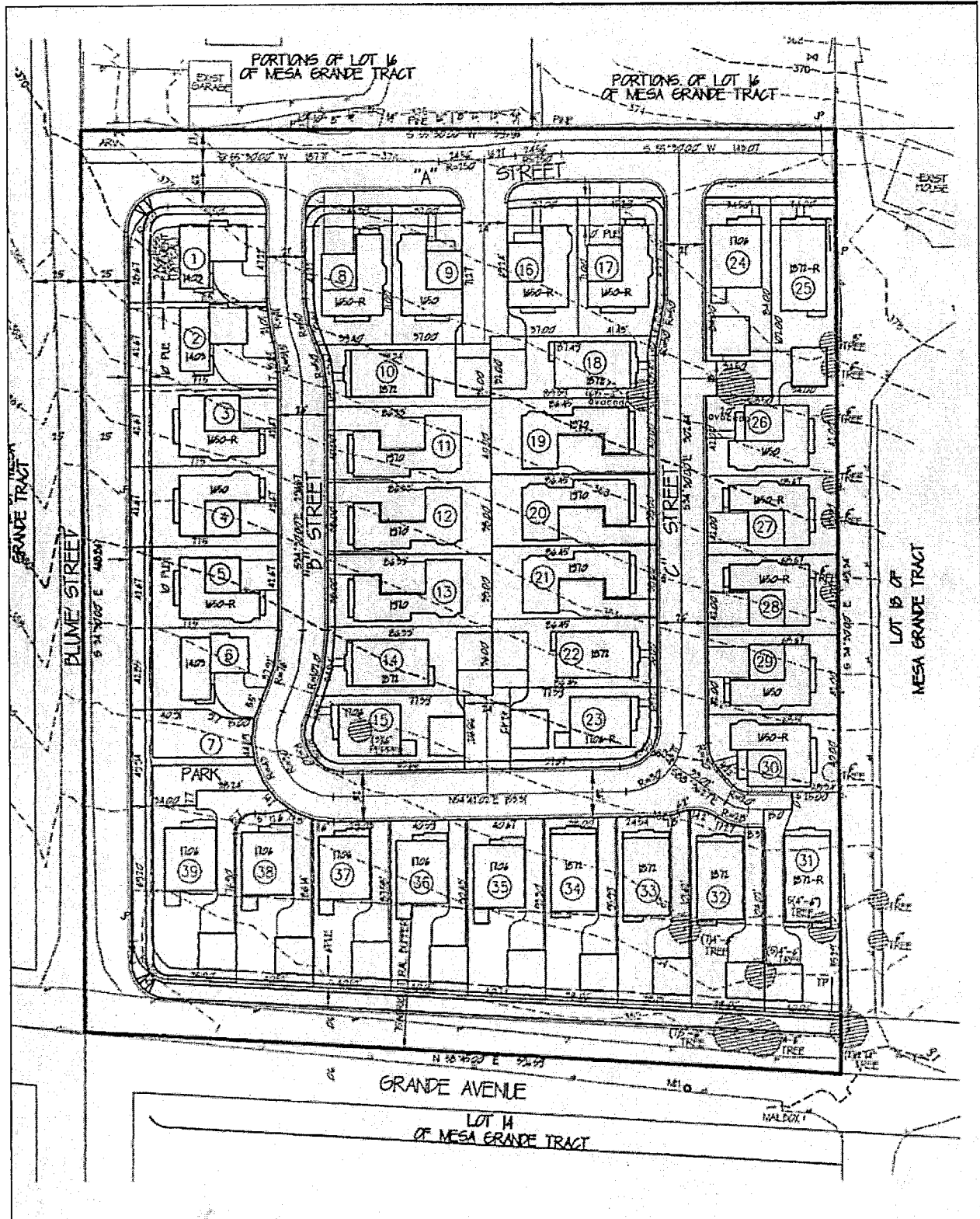


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Morro Group, Inc.

VESTING TENTATIVE TRACT MAP
FIGURE 4

Source: Westland Engineering

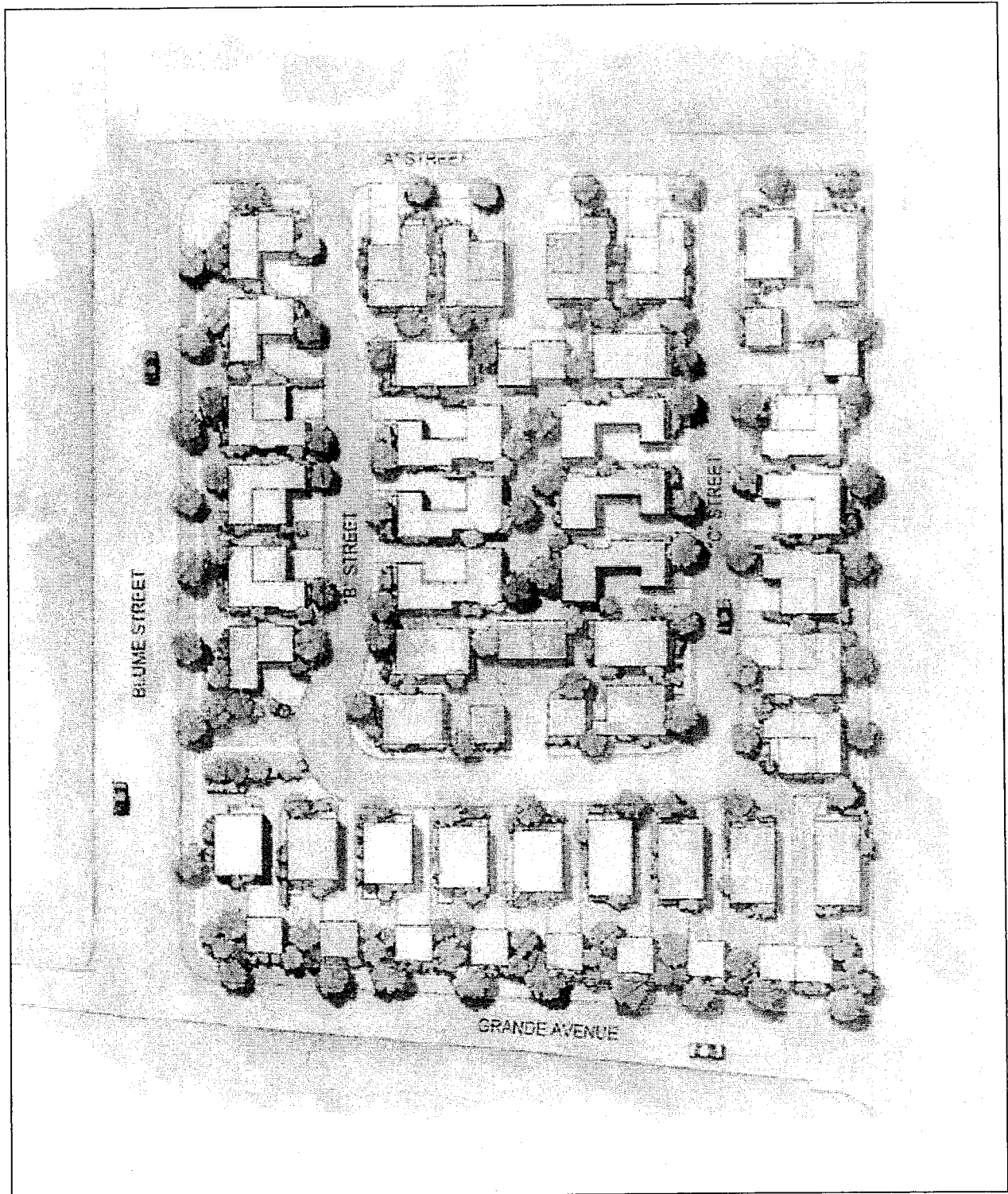


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Morro Group, Inc.

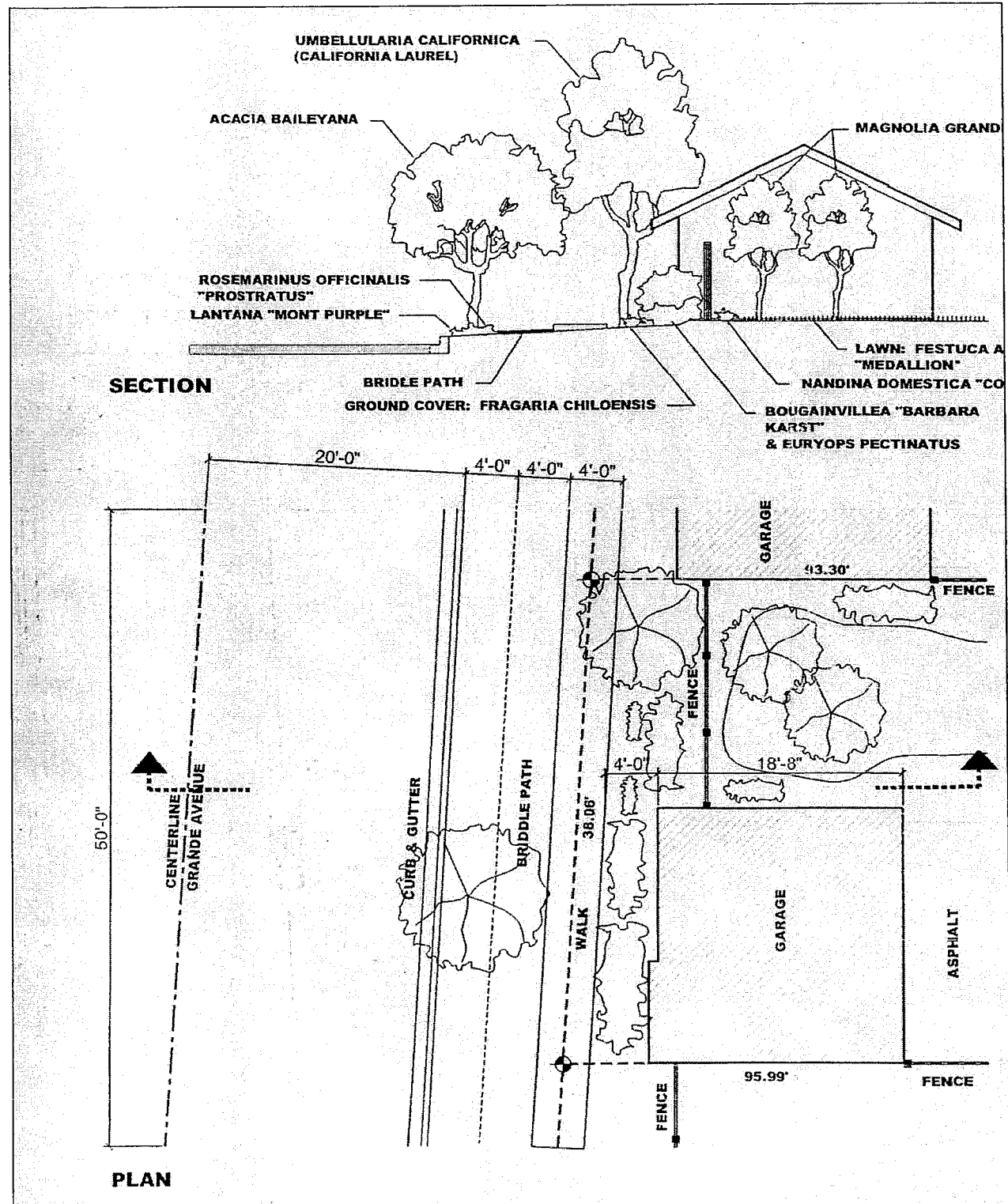
PROPOSED SITE PLAN
FIGURE 5

Source: Westland Engineering



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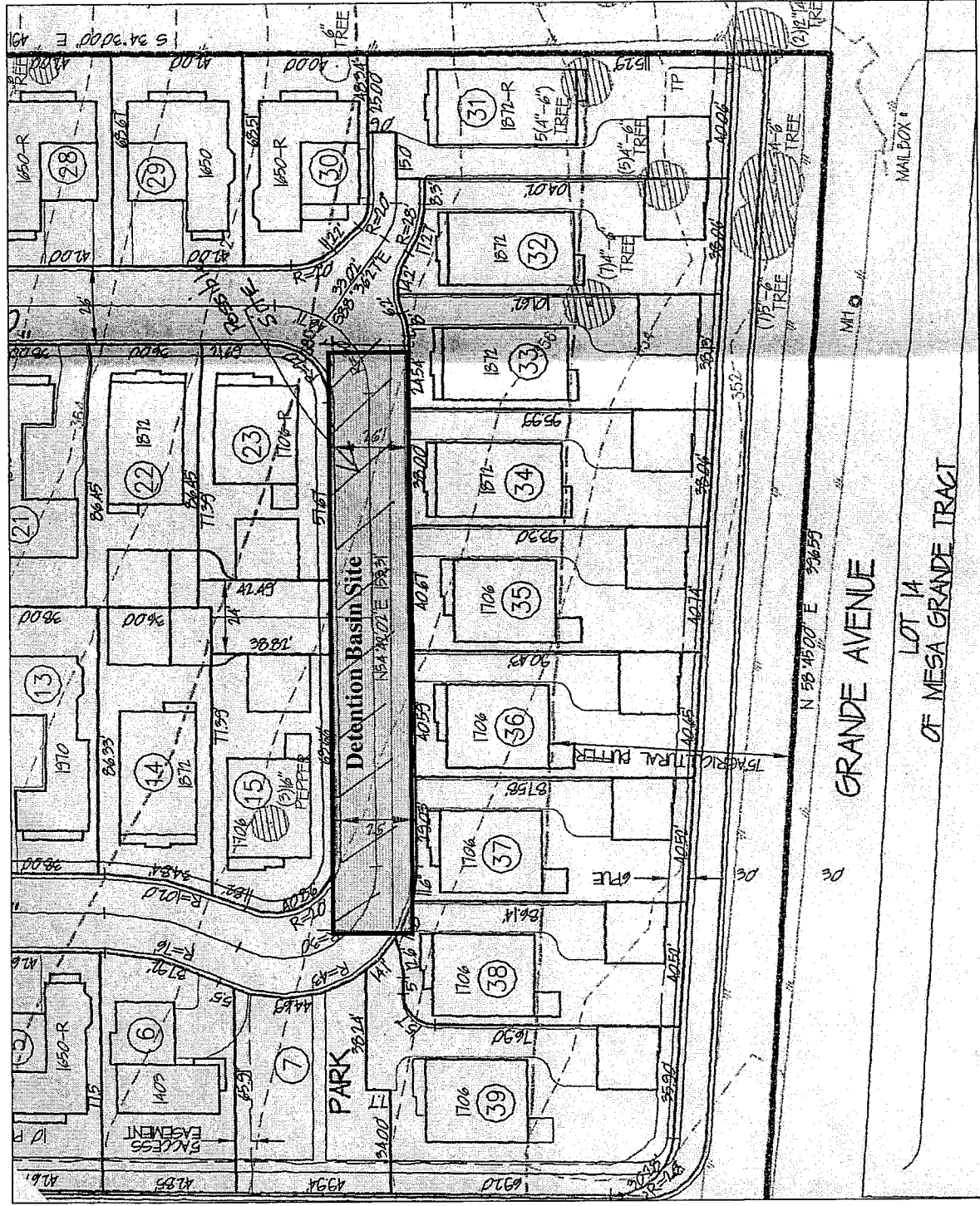
PRELIMINARY LANDSCAPE PLAN
FIGURE 6



Source: Westland Engineering

PROPOSED LANDSCAPE DETAIL
 FIGURE 7

2-113



Source: Westland Engineering



NORTH
Not to Scale

Morro Group, Inc.

PRELIMINARY UNDERGROUND
DETENTION BASIN SITE
FIGURE 8